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## Ferguson & Sumter Internationally Acclaimed

BY JOHN LASSITER

Often the most impressive achievements of extraordinary people require years of hard work and little, if any, notoriety. In a special ceremony at the Levine Museum of the New South on January 9, 2006, two members of our Bar were recognized for two decades of such service by the South African Ambassador to the United States, Barbara Maskela.

Beginning in the summer of 1986, Mecklenburg County Bar members James Ferguson II and Geraldine Sumter, along with Ken Broun, former dean of the law school at the University of North Carolina at Chapel Hill, began a project to help South Africa's victims of apartheid. They traveled regularly to the cities of Johannesburg and Cape Town in order to train black lawyers in the courtroom skills needed to challenge and successfully change the oppressive and discriminatory system. Their Trial Advocacy Project took place under the auspices of the South Africa's Black Lawyers Association. Alumni of the project include Chief Justice Ismail Mahomed and current President Mbeki's top legal advisor. Ferguson and Sumter are members of Ferguson, Stein, Chambers, Gresham and Sumter, PA, with practices focusing on civil litigation and civil rights.

Ferguson noted that the lawyers they met in the early years of the program had come face to face with the criminal justice system and "virtually all of them had been political prisoners of one kind or another." Most of the participants had been taught in inferior educational environments to their Afrikaner counterparts, but despite the risk to their personal safety, they were committed to a program that promised to improve their courtroom skills and the impact of their advocacy.

Broun, now the Henry Brandeis Professor of Law at the University of North Carolina, recalls developing the course materials for use in a legal system based on common law and the civil law of the Dutch-Roman system; one in which the



James Ferguson II



Geraldine Sumter

volunteer lawyers had limited knowledge and expertise. Many of the lawyers they trained were arrested on the way to class, and most witnessed gross exhibits of arbitrary judicial actions and unfair treatment in the courts. Broun has captured many of the early experiences in his book, *Black Lawyers, White Courts, The Soul of South African Law*. Through personal interviews and the narratives of 27 of these brave lawyers, the book chronicles the challenges and risks of social and legal reform. Nelson Mandela described the Trial Advocacy Project: "They know the role law can play to accomplish wrong, as under apartheid, and they know what good it can accomplish in a free society. These men and women are the heroes of yesterday and the hope of tomorrow—I salute them."

Sumter noted the changes that took place in the program over the past 20 years. Originally a three-day program, the course now is a full week with a combination of lecture, videotaped critiques, and trial practice. The original mock trials were all held before white judges, but today most of the judges are black, many of whom completed the program years before. The project has expanded to the neighboring countries of Botswana, Namibia, Lesotho, Zambia, and Zaire. Lawyers who once

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February 2006

[www.meckbar.org](http://www.meckbar.org)

From the  
 John S. Leary Bar  
 Association  
 Co-Presidents



*Leary Bar Co-Presidents  
 Aretha V. Blake, Baker & Blake LLP, and  
 Trevor M. Fuller, Fuller & Barnes, LLP*

With great humility and honor, we take on the co-presidency of the John S. Leary Bar Association for 2006. We are grateful to those who have placed the stewardship of this august organization in our hands. Particularly, we hail the sage and steady leadership of our predecessors, Corie Pauling and Eric Montgomery, who so ably and tirelessly worked to maintain and advance the cause of African American lawyers in Mecklenburg County. With the support of our members, we intend to carry on that tradition.

As we begin this year, we realize how quickly 2005 seems to have hurtled by. Last year, the Leary Bar engaged in an intensive self-examination relating to its mission and purpose and the needs of our membership. This self-examination proved to be immensely meaningful and revealing. As a result, we spent a great deal of time in 2005 putting in place the changes that came out of our retreat, including revisions to our bylaws and amendments to our constitution.

In 2006, one of our goals is to nurture the relationship between the Leary Bar and the Mecklenburg County Bar. By engaging our local Bar on issues of concern to our members, we believe that all lawyers will benefit. In addition, we look forward to the support of the Bar as we make preparations for an event this year to award scholarships to deserving high school and college students who see for themselves the possibility of a life in the law.

The second mission of the Leary Bar in 2006 is to continue to serve the Charlotte-Mecklenburg community by providing pro bono advocacy and representation and creating forums for the exchange of ideas affecting Charlotte's minority communities. For example, the Leary Bar proudly supports the Council for Children's Student Defense Project, which provides pro bono representation for students who are subject to suspension and/or exclusion from the Charlotte-Mecklenburg School System. The primary purpose of the Project is to ensure that students are afforded all necessary due process rights during their hearings.

The final focus of the Leary Bar in 2006  
*continued on page 2*



**Lawyers in the News** by Robert P. Johnston

**Christy Mann Newest Judge**



*District Court  
 Judge Christy  
 Mann*

**Christy Mann** is Mecklenburg County's newest district court judge.

She was sworn in December 23, 2005, and will serve the unexpired term of **Libby Kelligrew**, who left the bench to work with the Community of Advocates, a child advocacy program affiliated with the Council for Children.

A native of Mississippi, Mann received her Bachelors of Science in Physical Science from the University of Southern Mississippi. She obtained her Juris Doctor from the University of

Mississippi in 1985 and practiced law in Batesville, MS, for 18 months. Mann's duties in a small, general practice firm included serving as the city prosecutor on Tuesday mornings.

The lights of a bigger city beckoned, and Mann picked Charlotte sight unseen and moved here, obtaining employment with Tucker, Hicks, Moon, Hodge & Cranford. She worked closely with **Fred Hicks** and did primarily domestic work. In 1995 she and **Terri Young** left their old firm and started a new one, where Mann remained until becoming a judge.

Mann, who had an active domestic practice, anticipates holding mainly domestic court, at least initially. **MCB**

**Bennett Appointed to Wildlife Resources Commission**

**Charles (Chuck) Bennett** was recently appointed to his fourth, two-year term on the Wildlife Resources Commission (WRC). The WRC consists of wildlife and fisheries biologist, wildlife enforcement officers, educators, engineers, and administrative staff in nine districts across North Carolina.

An avid hunter and fisherman, Bennett estimates he spends about six days a month on Commission work. He is chair of the Habitat, Non-Game Endangered Species Committee and

chair of the Cold Water Fisheries Committee. He has also been appointed as the Wildlife Commission's representative to the North Carolina Clean Water Management Trust Fund and as the Commission's representative to the National Heritage Trust Fund.

A graduate of University of North Carolina (UNC) Asheville and UNC School of Law, Bennett practices with **Weaver, Bennett & Bland, PA**, in Matthews. **MCB**

**Joan Waldron First CSL Law Student**

**Joan Waldron**, a paralegal in public finance at **Parker Poe**, is the first student admitted by the Charlotte School of Law (CSL). Having recently completed UNC Charlotte's seven-year-degree program, the mother of two grown children had long intended to go to law school. She had been admitted to Florida Coastal School of Law when she heard that Charlotte School of Law would be opening. "The dean of Florida Coastal was the acting dean of CSL. We talked, and the first day

the application for CSL was made public, I applied. I was soon admitted and received a scholarship," Waldron said. Florida Coastal and CSL are part of the InfiLaw Consortium of Law Schools.

Waldron will be a full-time student when law school begins in August. **MCB**



*Joan Waldron*

**Judy Thompson Elected Network Chair of IWIRC Chapter**



*IWIRC Network  
 Chair Judy  
 Thompson*

**Judy Thompson** has been elected Network Chair of the Carolinas Chapter of International Women's Insolvency & Restructuring Confederation (IWIRC), effective January 1. IWIRC is an international professional association that works to enhance the professional status and reputation of women in insolvency practice.

As Network Chair, Thompson will lead a group of more than 60 professional women in law, accounting, lending, turnaround management, and other disciplines that work with troubled companies and their creditors throughout the Carolinas.

Thompson, a partner of **Poyner & Spruill LLP** and a former president of the Mecklenburg County Bar, co-founded the Carolina's chapter in 2004. Her practice areas include mediation and arbitration, bankruptcy law, creditors' rights, workouts, and commercial litigation. **MCB**

**Belmont Abbey Turns to Local Lawyers to Teach**

Belmont Abbey College approached members of Charlotte's St. Thomas More Society about doing a course for the pre-law program, and the Society has created "A Practical Introduction to Lawyers and the Law."

The first class was in January. Students completing the course will receive one hour of credit toward a pre-law minor.

**William L. Esser IV**, president of the local Society, is coordinating the classes, which will include guest speakers discussing one subject (e.g., Contracts) each class. **MCB**



*Will Esser*



## Live Programs

### Ethics, Professionalism, and Mental Health—Issues for Attorneys and Paralegals

CLE Credit: 3.0 total hours (2.0 Ethics and 1.0 Substance Abuse)  
 Date: Wednesday, February 1, 2006  
 Time: Reg. 8:30 a.m.  
 Program 9:00 a.m.–12:00 p.m.  
 Location: Best Western Charlotte Uptown, 201 S. McDowell Street  
 Fees: \$135 attorney rate, \$75 paralegal rate  
*(Video replay of this program is scheduled for 2/28/06. See below for more info.)*

### Immigration Issues in Family Law—

*Sponsored by the MCB Family Law Section*  
 CLE Credit: 1.0 hour  
 Date: Thursday February 16, 2006  
 Time: Reg/Lunch 12:15–12:45 p.m.  
 Program 12:45–1:45 p.m.  
 Location: MCB Center, 438 Queens Road  
 Fees: \$10 lunch/\$35 lunch plus CLE credit Family Law Section Member, \$15 lunch/\$40 lunch plus CLE credit non-Family Law Section Member

### Business Litigation Forum • The 2006 Annual Civil Litigation Forum—Sponsored by the MCB Civil Litigation Section

This program will include information on the new Business Court in Charlotte  
 CLE Credit: 6.0 hours  
 Date: Friday, February 17, 2006  
 Time: Reg. 8:30 a.m.  
 Program 9:00 a.m.–4:00 p.m.  
 Location: Charlotte Chamber, Belk Action Center, Corner of 2nd and Tryon  
 Fees: \$210 attorney rate, \$180 MCB Civil Litigation Section member rate, \$90 paralegal rate

### Divorce 101

CLE Credit: 1.0 hour General  
 Date: Friday, February 24, 2006  
 Time: Reg. 12:00 p.m.  
 Program 12:30–1:30 p.m.  
 Location: MCB Center  
 Fees: \$40 attorney rate, \$27 public rate

### Parent Coordinator Training in conjunction with Children's Law Center

CLE Credit: 12+ hours  
 Date: Thursday, March 2, and Friday, March 3, 2006  
 Time: Two full days  
 Location: MCB Center  
 Fees: TBD

### Have You Lost Your Appeal?

CLE Credit: 1.5 hours General  
 Date: Friday, March 17, 2006  
 Time: Reg. 11:45 a.m.  
 Program 12:00–1:30 p.m.  
 Location: MCB Center  
 Fees: \$35 attorney rate

### Annual Review

CLE Credit: 12.0 total hours (2.0 Ethics, 1.0 Substance Abuse, and 9.0 General), fulfilling one year of NCSB-mandated CLE hours  
 Date: Friday, February 10, and Saturday, February 11, 2006  
 Time: Friday Reg. 8:30 a.m.  
 Program 9:00 a.m.–5:00 p.m.  
 Saturday Reg. 8:00 a.m.  
 Program 8:30 a.m.–1:00 p.m.  
 Location: Best Western Uptown, 201 S. McDowell Street (formerly Sheraton Four Points)  
 Fee: \$435

## Video Replays

### Harnessing the Potential of the ADD Mind: Challenges, Ethics, & the Practice of Law

CLE Credit: 3.0 hours Mental Health/Substance Abuse  
 Dates: Thursday, February 9, 2006  
 Times: 9:00 a.m.–12:00 p.m.—Please arrive 15 minutes prior to start of program  
 Location: MCB Center, 438 Queens Road  
 Fees: \$135 attorney rate, \$75 paralegal rate

### A Study in Ethics—Alan Gell, Aftermath and Current Affairs—Sponsored by the MCB Civil Litigation Section

CLE Credit: 3.0 hours Ethics  
 Dates: Thursday, February 9, 2006  
 Time: 1:00–4:00 p.m.—Please arrive 15 minutes before start of program  
 Location: MCB Center  
 Fee: \$135 attorney rate

### Ethics and Professionalism—A View From Mecklenburg County

CLE Credit: 1.0 hour Ethics  
 Dates: Wednesday, February 15, 2006  
 Times: 9:00–10:00 a.m. and 12:00–1:00 p.m.—Please arrive 15 minutes prior to start of program  
 Location: MCB Center  
 Fee: \$50 attorney rate

### Healthy Balance, Good Mental Health Practices for Lawyers

CLE Credit: 1.0 hour Mental Health/Substance Abuse  
 Dates: Wednesday, February 22, 2006  
 Times: 9:00–10:00 a.m. and 1:00–2:00 p.m.—Please arrive 15 minutes prior to start of program  
 Location: MCB Center  
 Fee: \$55 attorney rate

### Ethics, Professionalism, and Mental Health—Issues for Attorneys and Paralegals

CLE Credit: 3.0 total hours (2.0 Ethics and 1.0 Substance Abuse)  
 Date: Tuesday, February 28, 2006  
 Time: Reg. 8:45 a.m.  
 Program 9:00 a.m.–12:00 p.m.  
 Location: MCB Center  
 Fees: \$135 attorney rate, \$75 paralegal rate

### Joint Ventures

CLE Credit: 3.0 hours General  
 Date: Tuesday, February 28, 2006  
 Time: Reg. 12:45 p.m.  
 Program 1:00–4:00 p.m.  
 Fee: \$115 attorney rate

## Online CLE Programing Available at [www.meckbar.org](http://www.meckbar.org)

### New courses for 2005–06 now posted

Open 24 hours—pay and take courses online  
 NC State Bar allows up to 4 hours of online CLE annually  
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## Continuing Legal Education Recruitment

The MCB Continuing Legal Education Committee is recruiting committee members and program planners. If interested, please contact John Buric ([jburic@jmdlaw.com](mailto:jburic@jmdlaw.com)) or Lisa Armanini ([larmanini@meckbar.org](mailto:larmanini@meckbar.org)). The Committee meets the third Tuesday of each month at 8:00 a.m. at the Bar Center, 438 Queens Road.

## Ferguson and Sumter

continued from cover

paid by risking their lives to learn now pay a tuition that covers a portion of the costs that had previously been borne by international contributions and foundation support.

Somewhat embarrassed by the awards presented by the Ambassador, Sumter noted she received much more from the experience than any contributions on her part. Without a doubt few among us have affected so much positive change and lasting impact. Congratulations and our collective appreciation to Jim Ferguson and Geraldine Sumter! **MCB**

## Co-Presidents' Letter

continued from page 1

is diversity within the Bar, including the recruitment, development, and retention of minority attorneys. The Mecklenburg County Bar's Special Committee on Diversity is developing an agenda that will go far in increasing diversity and diversity awareness within the Bar. The Leary Bar fully supports the Committee's efforts. Further, the Leary Bar will continue to provide opportunities for minority summer interns and first year associates to become connected with Charlotte, including its minority community, through our summer intern reception, Annual New Bar Members Social, informational sessions, and social events. Finally, understanding that diversity within the Bar begins far in advance of law school, Leary will continue to provide financial support, via scholarships, to high school and college students interested in the legal profession.

The year 2006 will be an exciting year for the Leary Bar and we welcome you to be a part of it! All members of the Mecklenburg County Bar are invited to become involved in our activities. We also welcome the opportunity to support the activities of the Mecklenburg County Bar and other local bar associations. Through joint effort and mutual support, we can attain greater achievements than ever before!

**MCB**

## EDITORIAL POLICY

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

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

**Communications Committee:** John Lassiter, *Chair*, Judge Bob Johnston, Corby Anderson, Mike Daisley, Porter Durham, Alan Edmonds, Will Esser, Larry Grayson, Allison Karp, Charles Keller, Brandon Lofton, Valerie Munei, Nancy Roberson

# Defending the Future: Charlotte's Student Defense Project

BY BRANDON LOFTON

Several area groups are working together with the Civil Rights Project at Harvard University to provide quality representation to students facing long-term suspension and exclusion from Charlotte-Mecklenburg Schools (CMS). The effort has been named the Student Defense Project and is being coordinated primarily by the Council for Children.

Adrienne Woods, Case and Class Advocate for the Council for Children, stated that the Project's primary objective includes ensuring "that every student, regardless of race or socioeconomic background, is afforded due process and has access to a sound basic education by producing a group of lawyers organized and trained to provide... pro bono representation at long-term suspension and expulsion disciplinary hearings at CMS..." The Project will also work to alleviate and increase community awareness of the racially disparate impact of current suspension and expulsion procedures.

Under both the state and federal constitutions, a student facing long-term suspension (*i.e.*, greater than 10 days) or exclusion from school are entitled to due process hearing. Jake Sussman, an attorney with Ferguson, Stein, Chambers, Gresham & Sumter, PA, has represented several students in school due process hearings. As Sussman explains, these hearings are conducted before a hearing officer (often a former teacher or administrator) who records witness testimony and examines any documentary evidence presented. The hearing officer can and will ask questions of the student and witnesses and, based on the evidence presented at the hearing, ultimately recommends whether or not to impose the long-term suspension or exclusion of the student. That recommendation, along with a transcript of the hearing and the evidence presented, is then considered and ruled upon by the Alternative Education and Safe Schools Department. Adverse consequences against a student can include exclusion from CMS, long-term suspension (*i.e.*, more than 10 days), re-assignment to an alternative school, and/or community service.

Sussman explains that while students have the right to an attorney at these hearings, the vast majority of students are unrepresented. Moreover, Sussman contends, although these hearings are supposed to comport with due process and its guarantees, it rarely works out that way. Among the complaints voiced by attorneys representing students at these hearings is that the school does not present its evidence through live witness testimony, but rather through the presentation of unsworn statements by alleged witnesses. In other words, there is no actual accuser in the room during the hearing. Moreover, if the alleged witness is a student, the statement is not only unsworn but also anonymous. CMS takes the position that the Rules of Evidence do not apply at these hearings, and that if the student wants the opportunity to cross-examine the witness, the student can compel the witness's attendance.


It was concern for unrepresented students during these proceedings that led to the Project's founding. Woods stated that the Project got its start in 2003 when the Civil Rights Project obtained a grant from the Knight Foundation. The grant provided funds to address civil rights concerns in K-12 education. After conducting an analysis of several cities across the United States and conducting discussions with community members, the Civil Rights Project selected

Charlotte, North Carolina, as one of the target cities. The Civil Rights Project made this selection based on the educational upheaval and community activism the city was experiencing in regards to civil rights concerns in primary education. The Civil Rights Project hosted several community meetings and learned that a primary area of concern was the disproportionate long-term suspension and expulsion rates of low-income children and children of color.

In response to this concern, noted Woods, the Civil Rights Project formed a local steering committee and held several meetings to gain the involvement of local organizations. In September of 2005, the Council for Children agreed to become the umbrella or host organization for the project. As of December 1, 2005, additional organizational partners include: the Children's Law Center; Ferguson, Stein, Chambers, Gresham & Sumter; the John S. Leary Bar Association; the Civil Rights Project at Harvard University; the Charlotte Chapter of the National Association for the Advancement of Colored People; the A.M.E. Zion Church; Greenville Memorial A.M.E. Zion Church; and Legal Aid of North Carolina.

Aretha Blake, co-president of the John S. Leary Bar Association, commented that the Project's objective of ensuring that minority and low-income students are not denied their due process rights provided a great opportunity for the Leary Bar to further its goal of "strengthen[ing] its role in the community as an advocate for the underprivileged and underrepresented in [the] Charlotte-Mecklenburg [area]." To that end, the Leary Bar has sponsored the training of several of its members for pro bono service to the Project, a number of Leary Bar members are providing significant pro bono representation of students facing long-term suspension or exclusion from CMS, and several Leary Bar members currently serve on the Project's steering committee.

More involvement is needed in order for the Project to succeed. Woods reported that the Project currently has 13 attorneys who have agreed to provide either pro bono or sliding scale fee representation. "In January 2005, *The Charlotte Observer* reported a total of 52,600 in and out of school suspensions in CMS for the prior year, with three-fourths of those being out of school suspensions. There is no way," asserted Woods, "13 attorneys could handle 13,150 (three-fourths of 52,600) due process hearings or school board appeals within one year. We need more attorneys to handle these types of cases. We also need attorneys to help us with community awareness, funding, etc..."

To find out more information, or to find out how to get involved, contact Adrienne Woods at [adrienne.woods@councilforchildreninc.org](mailto:adrienne.woods@councilforchildreninc.org). 

## Position Available

### Foundation for the Charlotte Jewish Community Executive Director

#### Job Description

Foundation for the Charlotte Jewish Community (FCJC) is seeking qualified candidates for the position of Executive Director. FCJC is a nonprofit charitable organization dedicated to creating permanent charitable endowments to support the growing and changing needs of Charlotte's Jewish community.

A Supporting Organization affiliated with Foundation For The Carolinas, the Executive Director of Foundation for the Charlotte Jewish Community provides planned giving and endowment services to the constituent organizations and donors of the Jewish community to promote long-term financial stability. This position is currently budgeted to be 1/2 to 3/4 time.

#### Preferred Qualifications and Experience

Minimum Bachelor's Degree, with post graduate degree preferred in law or business

Working knowledge of the Charlotte Jewish community or other Jewish communities

Excellent written, oral and interpersonal communication skills

Knowledge of estate planning, planned giving vehicles, endowment building, and an ability to articulate legacy giving concepts in layman's terms

Professional experience in Annual, Capital, and/or Planned Giving fundraising

Non-profit management or significant non-profit volunteer experience

Demonstrates strong organizational, creative, motivational and leadership skills

For more information or to apply, please contact Holly Welch Stubbing by email at [hwelch@fftc.org](mailto:hwelch@fftc.org).

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## State of the Judiciary Meeting Scheduled

On Friday, February 17, the Mecklenburg County Trial Court Administrator's Office will hold its annual State of the Judiciary meeting. This gathering is a time when all Trial Court Administrator (TCA) staff come together to recognize and discuss accomplishments during the previous year, as well as talk about future initiatives and goals. Each division of the TCA's Office will give a brief presentation highlighting accomplishments throughout the 2005 calendar year, as well as share statistical information from the 2004-05 fiscal year.

The theme of this year's meeting is "A Celebration of Success," which was chosen due to the fact that there have been some notable improvements and achievements made in our district during the past year:

- In early 2005, the 26th Judicial District was selected as a partner court in the area of *pro se* litigation through the Center for Court Solutions, a joint initiative of the State Justice Institute, the National Center for State Courts, and the Center for Effective Public Policy, which provided outside assistance and support to define and implement solutions in the *pro se* area. While this project continues, several areas in need of attention have been identified, solutions have been introduced, and plans are being made to implement them.

- 2005 also saw the creation of Justice Initiatives, Inc., a non-profit established for our district. Justice Initiatives is dedicated to the funding of justice-related initiatives to support innovative and non-traditional programs in the court system. Examples of non-traditional programs and services requiring funding include Drug Treatment/DWI Court, Mental Health Court, SelfServe Center, and special needs services (Americans with Disabilities Act, interpreting, etc.) The Court Clubhouse Childcare Center, Juror Business Center, and Responsible Fatherhood Access and Visitation Program are other possible candidates for funding. The first fund raiser was held in September to benefit Drug Treatment Court and, aside from any money raised, served to create a heightened awareness around funding shortfalls that this valuable program is experiencing.
- The Resource Team project set forth by the TCA's Office and Community Building Initiatives was announced as the winner of the 2005 John Neufeld Court Achievement Award established by the Mid-Atlantic Association for Court Management. This annual award is intended to recognize an individual or a group of individuals who

develop or implement a significant or unique educational program or court management system in the mid-Atlantic region.

- Other notable accomplishments in 2005 include the creation of a Mental Health Court and a Business Court.

Prior to the meeting this year, one TCA staff member will receive the Helen Stonestreet Employee of the Year Award, which is a new incentive created to recognize outstanding performance among TCA staff. The award was named after Helen Stonestreet, who retired in December of 2004 after working for the TCA's Office for over 25 years. Helen will attend the meeting and speak as part of the award ceremony. Senior Resident Superior Court Judge Robert P. Johnston will present the award.

The State of the Judiciary meeting will take place in the Anthony Stancil Conference Room at Jail Central from 8:00 to 10:00 a.m. Since all TCA staff are required to attend due to the important information shared during this meeting, all divisions of the TCA's Office, including Family and Drug Court, the SelfServe Center, Post-Judgment Services Center, Jury Office, and Judge's Office, will be closed to the public during this time. (MCB)

## 4th Street Parking Deck Opens

The long-awaited court parking deck is now open to the public. The new deck, which is being called the 4th Street Parking Deck, opened for court employees, jurors, and the general public on December 19, 2005. While the operator's booths, gates, and landscaping were not in place when the deck first opened, they should be by the time this article goes to print.

The first phase of the new parking facility includes 982 parking spaces on seven levels. Adding an eighth level may take place some time in the future. The public entrance to the parking deck is on 4th Street, directly across from the 3rd and 4th Street/I-277/John Belk Freeway exit ramp. As visitors enter the deck, they must punch for a ticket, and then follow the signs for parking. Jurors park free on the 4th level on a first come, first serve basis. As of right now, the plan is to issue jurors a validation pass in exchange for their parking ticket that they can then give to the attendant. When leaving the deck, visitors must stop to pay the attendant. If there is no attendant on duty, visitors can insert their ticket into a ticket reader, which will indicate how much money is owed, then payment can be made using cash or credit card. The deck is handicap accessible, with designated parking spaces located near the elevators on each level. Signs in English and Spanish have been carefully placed.

The deck features two elevators, with shelled space for two additional elevators. The first level of the new facility also accommodates light retail, the nature of which has not yet been determined. A real estate management firm is in charge of marketing the retail space in the plaza area of the parking deck and to manage the leases. "We are asking our management firm to seek tenants that will provide active services that will energize the area (*i.e.*, coffee shop, food service, book store,



The 4th Street Parking Deck as of January 2006

convenience store, etc.). The space is not intended to be used for offices or other 'low-activity' uses," said Mark Hahn, Director of Real Estate Services for Mecklenburg County. Occupancy of the retail spaces, however, is not expected to occur for several months.

Morgan Morris, a booth operator with Central Parking, the firm who manages the deck, says the cost to park in the 4th Street Parking Deck will be the same as the Government Center Parking Deck: \$1 for the first 30 minutes, then \$1 for each additional 30 minutes, up to \$12 for the entire day. Court employees have been issued magnetic strips for the windshield of their vehicles. An electric eye scans the strip as a vehicle approaches one of the gates, and the gate opens. This replaces the old magnetic cards, which required a driver to open their window to wave the card in front of the reader to enter or exit.

The opening of the 4th Street Parking Deck precedes the opening of the new Mecklenburg County Courthouse, which sits diagonally across the intersection of 4th and McDowell Street. The new courthouse is scheduled to open January 2007.

(MCB)

## Position Available

### Foundation For The Carolinas

#### Vice President - Development & Planned Giving

FFTC seeks a Vice President of Development & Planned Giving to make up a team of professional fundraisers and support staff member which will support the donors, staff, volunteers and clients of FFTC.

Leading candidates will have demonstrated success in a planned giving development position, with five to seven years experience, or comparable experience in the banking, insurance, financial planning, accounting or legal fields. An excellent knowledge of financial matters and the laws governing charitable estate planning is desired.

A Bachelor's degree is required. To apply or to request full job description, contact:

Lynne Wooten  
Foundation For The Carolinas  
217 South Tryon Street  
Charlotte, NC 28202  
lwooten@fftc.org



## VLP Partner Highlights: Legal Aid of North Carolina

### What Is LANC?

Volunteer Lawyer Program (VLP) partner Legal Aid of North Carolina (LANC) is a statewide, nonprofit, 501(c)3 law firm that began operations on July 1, 2002, as a result of a consolidation of multiple legal services law firms, each with a 25+-year history of serving low-income people in North Carolina. In the early 1960s, as our nation was responding to a call to service and justice articulated by such leaders as newly elected President John F. Kennedy and the Reverend Dr. Martin Luther King, Jr., members of the North Carolina State Bar and other citizens in Forsyth, Mecklenburg, and Durham counties demonstrated their commitment to equal justice under the law by establishing legal aid organizations to assist people living in poverty to protect their rights in civil cases. The Legal Aid Society of Northwest North Carolina (Winston-Salem), Legal Services of Southern Piedmont (Charlotte), and North Central Legal Assistance Program (Durham) were created as the result of that work. Through various reorganizations and restructurings, LANC was created to assist the poorest of the poor.

LANC provides free legal services in civil matters to low-income clients in order to ensure equal access to justice and to remove legal barriers to economic opportunity. In most situations, a LANC client's income must fall below 125% of the federal poverty guidelines. However, the income level eligibility criteria typically does not apply to domestic violence victims, senior citizens, and for other case specific reasons. LANC's involvement and legal help are necessary to complement the efforts of family shelters, social services, children's organizations, community development corporations, and other nonprofit and governmental organizations in North Carolina.

LANC operates in all 100 North Carolina counties through 24 regionally based offices. The Charlotte office of LANC opened in July

2002 as the result of a consolidation of the four, federally funded, legal services programs in North Carolina, including part of the staff of the Legal Services of Southern Piedmont (LSSP), another Volunteer Lawyers Program partner. Ted Fillette serves as the senior managing attorney for the Charlotte office, and he supervises a full-time staff of five attorneys and two paralegals. In addition to participating in the statewide Domestic Violence Prevention Initiative, the Charlotte LANC office was an instrumental partner in organizing support for Project Pillowtex—designed to assist many displaced workers of the shuttered Pillowtex plant in the Charlotte area.

Legal Aid of NC's clients statewide typically include:

- victims of domestic violence who seek safety for themselves and their children;
- disadvantaged children who have been denied the mental and physical health care and education that they need to grow into productive adults;
- the elderly who are sometimes preyed upon and who need assistance with benefits and housing;
- the disabled and homeless who need special consideration;
- working, single- and two-parent families who struggle to pay for child care, housing, food, and health care for their children on low-wage jobs; and
- natural disasters victims who suffer as a result of weather events, such as Hurricanes Floyd, Fran, Hugo, and Katrina.

### Strengthening the Social Fabric

Legal Aid is a remarkably efficient means of giving low-income families a "hand-up" that in turn saves taxpayer money. When someone living near the poverty line faces a single problem, that problem often creates a domino effect. One-time events—plant closings, lapse of health insurance, a used car that turns out to be


a "lemon," or a family crisis—can have a devastating impact. If not addressed immediately, more difficult problems can result: unemployment, homelessness, domestic violence, and family instability. In turn, these crises place a far greater burden on society in the form of increased costs for health care, law enforcement, and public welfare. Legal Aid is a cost-effective means of stopping the downward spiral and the resulting consequences.

LANC also eases the pressure on the overburdened court system in North Carolina by resolving greater than 70% of its cases outside of the courtroom. Having access to LANC means that clients are not appearing in court on their own behalf. Instead, these clients have an experienced attorney to represent them, thereby providing for a more efficient, effective use of the judicial system.

LANC is able to provide one attorney for every 15,000 eligible clients in North Carolina, whose general population has one attorney for every 500 persons. In order to fulfill its mission, the staff of LANC welcomes the support of more than 3,700 private attorney volunteers, who donate their expertise across North Carolina each year through local volunteer lawyers programs.


### You Can Help

The Charlotte office of LANC, along with LSSP and Legal Services for the Elderly, relies on funding, in part, from the ongoing Access to Justice Campaign. The Campaign goal for 2005–06 is to raise \$300,000. The Access to Justice Campaign provides an opportunity for the legal community in Mecklenburg County to partner with these organizations financially to make sure access to justice is a reality.

To volunteer your services for Legal Aid of North Carolina, you can call the Charlotte office at 704/971-2621 or Jennifer Howle, the Mecklenburg County Bar's Volunteer Lawyers Program Coordinator, at 704/375-8624, extension 121. 

## '05-'06 Access to Justice Campaign Update

Under the leadership of Campaign Chair, Jon Buchan of Helms Mulliss & Wicker, the 2005–06 Access to Justice Campaign has been very successful to date as many Mecklenburg County attorneys demonstrated their generosity and support with a donation. The goal this year is \$300,000. Funds from the Campaign support the work of Legal Services of Southern Piedmont, Legal Aid of North Carolina, and Legal Services for the Elderly by providing these agencies with vital resources to assure that those in need in our own community have access to the justice system, regardless of their ability to pay.

Thank you to those who have already donated to the 2005–06 Campaign! If you have not yet given, please consider a donation today to support this important legal work. You may send your donation to: Access to Justice Campaign, 1431 Elizabeth Avenue, Charlotte, NC 28204. Secure online donations are accepted at [www.lssp.org](http://www.lssp.org). For more information, please contact 704/971-2588 or [jennifers@lssp.org](mailto:jennifers@lssp.org). 

### 2006 VLP Pro Bono Awards Call For Nominees


## MCB Awards for Extraordinary Pro Bono Service

The Mecklenburg County Bar Volunteer Lawyer Program welcomes nominations for the 2006 Pro Bono Awards. This year's categories are:

- I. Outstanding Individual Attorney
- II. Outstanding Large Firm with 25 Attorneys or More\*
- III. 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 25.

For more information on selection criteria, please go to [http://www.meckbar.org/newsevents/news\\_detail.cfm?cont\\_id=6432](http://www.meckbar.org/newsevents/news_detail.cfm?cont_id=6432).

Please submit nominations in writing before March 1, 2006. Any attorney, law firm, or partner organization may submit nominations. Send nominations to: Mecklenburg County Bar, Volunteer Lawyers Program, 438 Queens Road, Charlotte, NC 28207 or [vlp@meckbar.org](mailto:vlp@meckbar.org). 

## Position Available

Mid-size Matthews, NC, law firm seeking associate attorney in commercial real estate and business practice.

Applicants must have at least three years experience in commercial real property matters, commercial banking, land development matters, or business law.

The position would extend to business negotiations for purchases and sales of business entities, real estate closings, and land use practice, including acquisition, development, zoning, restrictions, and environmental law.

Applicants should send a resume to P.O. Box 2570, Matthews, NC 28106.

Full benefits available, including health, life, and disability insurance, 401-K, paid vacation, and sick leave. Salary based upon experience with bonus opportunities.



## Meet Our Panel Members: Cloud, Navarro & Williams, PLLC

Recently the new law firm of Cloud, Navarro & Williams, PLLC, joined the Lawyer Referral Service (LRS) panel. The firm opened for business on November 15, 2005, with primary areas of practice in Criminal Law, Wills, Personal Injury, Entertainment, Civil Rights, and Family Law. The partners feel they and LRS share the common goal of serving the community by providing affordable legal services to those in need.

To quote them on their experience with the panel so far, "We have been very pleased with LRS. Before we signed up, we were told that we would receive referrals within 24 hours of joining LRS. We assumed this was an optimistic estimate. However, to our surprise, we started receiving referrals just 15 hours after joining. For our firm, the LRS has served as a great tool in getting our name out there as well as in serving the community."

### Vernon E. Cloud Jr.

Vernon E. Cloud Jr. graduated *magna cum*

*laude* from North Carolina Agriculture & Technical State University in May 1999 with a Bachelor of Science in Accounting. He moved to Charlotte shortly thereafter and worked for Bank of America as a financial analyst. He then attended North Carolina Central University's School of Law, graduated in May 2005, and received the 2005 Deans Award for leadership. Vernon became licensed to practice law in the state of North Carolina on August 25, 2005. He moved back to Charlotte because he felt there was a great need for young African American attorneys in Charlotte.

### Michael E. Navarro

Michael E. Navarro graduated *magna cum laude* from St. John's University in May 2000 with a Bachelor of Arts in English. He graduated from North Carolina Central School of Law in May 2003. Michael served as vice president of his class during his second year of law school and

president during his third. He briefly worked in the Durham County Public Defender's Office before becoming an associate with Harris and Associates, PLLC, working primarily in the area of criminal law. Michael moved to Charlotte because he felt there was a great opportunity for growth and also to be closer to his family.

### Cory A. Williams

Cory A. Williams graduated *cum laude* from Winston Salem State University in May 2002 with a Bachelor of Science in Sports Management. He received his law degree from North Carolina Central University School of Law in May 2005. Cory also received the 2005 North Carolina Chapter of Academy of Matrimonial Lawyers Award for Outstanding Achievement. He attended high school 45 minutes away from Charlotte in Catawba County so was familiar with Charlotte and thought it would be a good place to start a practice and raise a family.

### YLS column

## Holiday Giving Tree 2005 a Success!

BY GREGORY J. CARLIN, YLS BOARD MEMBER

The Young Lawyers Section (YLS) of the Mecklenburg County Bar is pleased to announce yet another successful year for our contributions to the Division of Social Service (DSS) Giving Tree Program. Our participation in the Giving Tree 2005 included over 330 gifts that were distributed to needy children and the elderly in group homes who typically would not receive a gift during the holidays.

The YLS Community Services Committee collected specific gift requests for each child or elderly person from the DSS. These specific gift requests were then redistributed as sub-lists to various firms and individual lawyers participating in the Giving Tree Program. These sub-lists were then distributed within the firms and the gift requests fulfilled by volunteers braving holiday crowds to purchase the specific gifts requested. Gifts ranged from handheld computer games, to baby dolls, to gift certificates that allowed some recipients to have a chance to do some shopping of their own. Gifts were then collected by YLS members and taken to DSS for distribution to the final recipients.

We would like to thank YLS members Michele Woodside and Qyunn Redmond who took time out of their busy schedules to coordinate the participation by the YLS. We would also like to thank the numerous

participating law firms, YLS members, and other helpful volunteers (including our administrative coordinator of the Giving Tree Program for three years running, Glenda Ransom) for their efforts at making our 2005 Giving Tree a success.

### February Volunteer Opportunities with YLS

#### Attorneys Needed to Help Judge High School Moot Court Competition

On Saturday, February 18, 2006, the Young Lawyers Section, in conjunction with the Charlotte-Mecklenburg School System, is hosting the Mecklenburg County High School Moot Court Competition. In order to make this a successful event, we need your help in serving as judges for the competition. Please volunteer your morning to help these students explore their interest in the law. Email Amy Butterworth at [AButterworth@HorackTalley.com](mailto:AButterworth@HorackTalley.com) if you are interested.

#### Attorneys Needed for Ask A Lawyer Day

On February 25, 2006, the Young Lawyers Division of the North Carolina Bar Association

will be hosting a statewide Ask A Lawyer Day. This is an opportunity for members of the bar to assist their local communities in providing legal services and information, often to people who may not otherwise have access to the legal system. Attorneys in Mecklenburg County will be joining their colleagues throughout the state in this volunteer project. If you have an interest in participating in this event or wish to learn more, please contact Heather Kushner at Bank of America, N.A., the contact person in Mecklenburg County. Her number is 704/386-2389, and her e-mail address is [heather.kushner@bankofamerica.com](mailto:heather.kushner@bankofamerica.com). Attorneys specializing in all areas of law are needed, including litigation, employment, real estate, landlord-tenant, bankruptcy and family law.



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## MCB Basketball Season

The Mecklenburg County Bar Basketball League will begin its 2006 season in late February/early March 2006. Games will be played at the Harris YMCA. If you're interested in participating, please contact Arthur Morehead (704/377-8358 or [amorehead@rbh.com](mailto:amorehead@rbh.com)) or Pat Sarsfield (704/338-5305 or [PSarsfield@nexsenpruet.com](mailto:PSarsfield@nexsenpruet.com)) as soon as possible!

# MCB Board Nominating Committee

## 2005–06 Members


In accordance with Section 3, Article V of the bylaws of the Mecklenburg County Bar, the Board of Directors has elected the following persons to serve as members of the 2005–06 Nominating Committee:

Tyywadi Baker	Mark Weston Johnson
Peter C. Buck	Judge Robert P. Johnston
Robert C. Dortch	K. Mitchell Kelling
Ana Flynn	Judge Nancy Black Norelli
Ronald L. Gibson	Catherine E. Thompson
George V. Hanna III	John Mark Wilson

## Procedures for Nomination

All members of the Mecklenburg County Bar are encouraged to submit their names or the names of other active members of the Bar to the Nominating Committee for consideration as nominees for various offices, board of directors' seats, and ABA Delegate. Names should be submitted to a member of the Committee (listed above) prior to the executive session of the Nominating Committee tentatively scheduled for late March, or mailed to Nominating Committee, c/o MCB, 438 Queens Rd., Charlotte, NC 28207 by that date. Additional nominations may be made from the floor during the open session of the Nominating Committee Meeting. Notice of the meeting date and time will be posted in the March newsletter.

Each member whose name is submitted for consideration of a nomination must indicate his or her willingness to serve if elected. The Committee shall nominate persons to serve in the following offices for the 2006–07 term:

- President-Elect (one-year term)
- Vice President (one-year term)
- Secretary (one-year term)
- Treasurer (one-year term)
- Board of Directors (six members—three-year terms)
- American Bar Association Delegate (two-year term) 

## Bar Staff Update



(left to right)  
Membership/  
Database  
Coordinator Jill  
Wiggins,  
Development &  
Marketing Associate  
Tabitha Carnes,  
Meetings & Events  
Assistant Karen  
Rieck, and Assistant  
Coordinator for  
Lawyer Referral  
Service and  
Continuing Legal  
Education Jen Taylor


BY ROBERT P. JOHNSTON

The Bar welcomes two new employees and congratulates two staff who have moved to new responsibilities. Three of these positions are newly created. "We are delighted to have these much needed positions filled," said Executive Director Nancy Roberson. "These changes within staff also help with continuity and assist in cross-training."

Tabitha Carnes, who began December 15, is Development and Marketing Associate. A native of Kentucky, Tabitha received her Bachelors of Arts in Communications from the University of Kentucky and her Masters of Arts in English from Winthrop University in Rock Hill. Her professional experience in Charlotte includes writing, communications, and marketing. She will coordinate production of the Bar directory and assist in fundraising by cultivating relationships with advertisers for the directory, newsletter, and website. She will also assist in obtaining sponsors for Bar events and with the Patron's Fund Campaign.

Karen Rieck, who commenced working December 19, is Meetings and Events Assistant, supporting the Communications and Events area. About five months ago she and her husband moved to North Carolina to be close to family. She had previously worked for over 14 years as a program assistant in the Annual Giving Office of Union College in Schenectady, NY. Among her many administrative tasks, Karen will assist Valerie Munei in preparation and registration for events and meeting coordination.

Nancy's former assistant Jen Taylor, is now both Assistant Coordinator of Lawyers' Referral and Assistant Coordinator of Continuing Legal Education.

Jill Wiggins, who has been with the Bar nearly seven years, was formerly Membership/Assistant Coordinator of Continuing Legal Education. Since September she has been Membership/Database Coordinator. She handles dues for new members, membership renewals, address changes, and, in general, most matters related to membership and the membership database. 

## Tell Us about Attorney Iraq/Afghanistan Service

The Mecklenburg Bar News would like to do one or more articles on local attorneys who have recently served in Iraq or Afghanistan.

If you have served or know someone who has, please contact Valerie Munei at [vmunei@meckbar.org](mailto:vmunei@meckbar.org) or 704/375-8624, extension 108.

## James B. McMillan Fellowship Applications Available

Applications for the Fellowship are now available from the Bar Office or online at the Mecklenburg County Bar website: [www.meckbar.org/newsevents/news\\_detail.cfm?cont\\_id=6431](http://www.meckbar.org/newsevents/news_detail.cfm?cont_id=6431).

The James B. McMillan Fellowship Fund was established in 1995 to honor the memory and example of U. S. District Judge James B. McMillan. The Fellowship has a goal of promoting justice and innovation within the legal system in Mecklenburg County by awarding summer fellowships to law students desiring work experience with not-for-profit or governmental agencies. The amount of the fellowship is up to \$3000 for the summer.

The Fellowship Committee will give greater consideration to applications submitted jointly by the requesting agency and a law student. The application should describe what the applicant will be doing for the agency and how that student's interests dovetail with the work to be performed. Please contact Valerie Munei at 704/375-8624 x108 or Maria Long at 704/358-6274 if there are questions concerning the application process.

The application deadline is **March 15, 2006**, at 5:00 p.m. Applications should be submitted to the Mecklenburg County Bar, McMillan Fellowship, 438 Queens Road, Charlotte, NC 28207. Faxed applications will be accepted, if received before 5:00 p.m. on March 15, at 704/333-6209, ATTN: McMillan Fellowship.



## McPhail Wins Blast from the Past Contest

The first Bar member to correctly identify all the names was Fred McPhail. Fred wins a free ticket to the MCB Annual Barbeque on May 25, 2006. Congratulations, Fred! And thanks to everyone who sent in their best guesses or who told us they enjoyed this "blast from the past"!

Who were the Bar members pictured in the January 2006 issue of the newsletter?



1  
Susan J.  
Weigand



2  
Raymond E.  
Owens, Jr.



3  
Calvin  
Murphy



4  
The Hon.  
Shirley Fulton



5  
The Hon.  
Robert P. Johnston



6  
C. Murphy  
Archibald



7  
Jonathan E.  
Buchan



8  
John B. Yorke



9  
Harold Spears



10  
Alice Carmichael  
Richey



11  
The Hon.  
James B. McMillan