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# MECKLENBURG BAR NEWS

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## “MASTER OF DISASTERS” KEN FEINBERG TO SPEAK AT LAW & SOCIETY LUNCHEON

By Carl Horn III &  
Allain C. Andry IV, Co-Chairs

Kenneth R. Feinberg, whose larger-than-life engagements of late have included serving as Special Master of the September 11th Victim Compensation Fund, as Special Master for TARP Executive Compensation (a.k.a. “Pay Czar”) and as Administrator of the BP Deepwater Disaster Compensation Fund, will be the keynote speaker at the 21st annual Law & Society Luncheon on Thursday, March 10, 2011. Mr. Feinberg joins a long line of distinguished leaders who have keynoted the Law & Society Luncheon, including Attorneys General Griffin Bell and Janet Reno, Justice Antonin Scalia, Ralph Nader, Michael Chertoff, Nina Totenburg and Harvard Law Professor Arthur Miller.

Mr. Feinberg has chosen as the topic of his remarks “The BP Oil Spill Fund – How The Law Responds To Unprecedented Tragedies.”

Mr. Feinberg is widely considered one of the world's leading experts on alternative dispute resolution. In addition to the engagements noted above, Mr. Feinberg served as Chief Administrator of the Hokie Spirit Memorial Fund following the 2007 shootings at Virginia Tech, as Administrator of the Alternative Dispute Resolution Program following Hurricane Katrina and as the mediator of a class action brought by 250,000 Vietnam War veterans against the manufacturer of Agent Orange. These and other engagements have earned him a nickname of sorts: the “Master of Disasters.”

Mr. Feinberg's honors and civic engagements are numerous. To mention only a few, he was named “Lawyer of the Year” by the *National Law Journal* in 2004 and has been included in that publication's list of “The 100 Most Influential Lawyers in America”



### **Ken Feinberg: Disaster Highlights**

*Dalkon Shield mediation  
\$2.5 billion*

*Agent Orange class action  
Special Master*

*September 11th  
Special Master of \$7 billion  
Victim Compensation Fund*

*Hurricane Katrina  
Administrator of the ADR Program*

*2007 Virginia Tech Shootings  
Chief Administrator of  
Hokie Spirit Fund*

*AIG  
Distribution Agent for  
\$800 million claims fund*

*TARP Executive Compensation  
Special Master  
a.k.a. “Pay Czar”*

*BP Deepwater Horizon Spill  
Administrator of  
\$20 billion Compensation Fund*

*continued on page 6*



A. Todd Brown  
MCB President

## **Events That Matter!**

The advent of a new year ushers in the privilege of presenting several of the Mecklenburg County Bar's and the Mecklenburg Bar Foundation's signature events. As winter turns to spring, we set about the business of paying tribute to our profession and deserving MCB members, educating the public on the importance of the rule of law and acknowledging the critical role lawyers play in society.

On February 3, we kickoff the 2011 MCB/MBF Bar Leadership Institute (BLI). BLI is a leadership development program established in 2001 and designed to identify and encourage leaders within the MCB. It affords participating attorneys the opportunity to develop their personal leadership potential, pursue leadership opportunities with the MCB and local community, consider pressing Bar and community issues with peers and presenters and develop a spirit of lasting collegiality with their fellow participants. Facilitators guide participants through a multi-month program of coaching and leadership development. To benefit the Bar and the community, each BLI class must choose a specific service project(s) to be implemented the year following graduation. It is especially noteworthy that BLI is made possible in large part only through the generous and long-standing financial support of the MBF. Please contact BLI Chair Aretha V. Blake for more information about BLI.

In *Grutter v. Bollinger*, the Supreme Court acknowledged that educational benefits flow from a diverse law school environment. Somewhat paradoxically, the Great Recession caused massive associate layoffs, nudged partners out the door and reduced or eliminated recruitment programs, but it also spawned a record number of LSAT takers and law school applicants. And although law schools reportedly added about 3,000 seats for first-year students from 1993 to 2008, both the percentage and the number of African-American and Mexican-American law students declined in that period even though students in both groups improved their grades and LSAT scores. Having debuted in 2006, the MCB's Diversity Day Conference is a legal career pipeline program that starts at the high school and undergraduate level to help infuse the pipeline with diverse candidates. Students and parents learn about the law school process and the roles of lawyers in society through three panel discussions: Getting to Law School; Getting through Law School; and To Be or Not To Be a Lawyer. Keynote speakers inspire the students, and participants can engage in one-on-one discussions with lawyers, judges and law students. Law school admissions representatives from NC and SC participate, offering admissions advice and written materials. Contact Diversity Day Chair Marion A. Cowell Jr. for more information on this year's program scheduled for February 12, 2011 at Johnson C. Smith University.

In 1995, the MBF established the James B. McMillan Fellowship Fund in honor of the late Judge McMillan's service as a federal district court judge in the tumultuous civil rights era. The McMillan Fund advances the administration of justice by awarding summer fellowships to law students who work locally in not-for-profit and state and federal governmental agencies. It has awarded 50 fellowships to deserving students. The McMillan Fund's annual dinner also showcases the MCB's annual Julius L. Chambers Diversity Champion Award. Established in 2008, the Diversity Champion Award recognizes an individual who embodies high ethical standards, unquestioned integrity, consistent competence and who champions diversity in the legal profession. Together they acknowledge the instrumental roles Judge McMillan and Julius Chambers played in contributing to the dismantling of racial segregation in public schools, in the seminal case of *Swann v. Charlotte-Mecklenburg Board of Education*. Please contact The Honorable Albert Diaz, Randel E. Phillips and Kristi K. Walters for more information on this year's programs scheduled for February 24, 2011.

The annual MCB/MBF Law & Society Luncheon allows us to celebrate the role of law in society through a program open to the public. This year's keynote speaker, renowned lawyer and mediator Kenneth Feinberg – recently dubbed the “Master of Disaster” – is sure to bring a unique perspective and keep us glued to our seats with insights into the 9/11 attacks, the BP oil spill and much more. Fittingly, during the luncheon we also present the MBF's highest honor, the Asycue Professionalism Award. Established in 2004 in honor of the life-long contributions of E. Osborne Asycue, Jr. to the legal profession and beyond, this annual award goes to a current or former member of the MCB to recognize exemplary professionalism, which may include outstanding service on behalf of the MCB or the MBF for the benefit of the legal community or the community at large. We look forward to honoring another pillar of the MCB. Please contact Law & Society Co-chairs Allain C. Andry IV and Hon. Carl Horn III for more information on this year's luncheon scheduled for March 10, 2011.

In May, we will celebrate Law Day. Established in 1958 by President Dwight D. Eisenhower, Law Day occurs on May 1 and celebrates our liberties and the ideals of equality and justice under law. This year's national theme, *The Legacy of John Adams, from Boston to Guantanamo*, honors our nation's first lawyer-president and his belief that lawyers are obligated to take on unpopular and controversial causes, such as Adams' representation of the British officer and soldiers charged with firing into a crowd of protestors and killing five civilians in the "Boston Massacre." More to come on this celebration. In the interim, please contact Co-chairs Valecia M. McDowell and The Honorable David C. Keelser about this year's program to be held during the week of May 2, 2011.

These events exemplify the highest ideals of the MCB and the MBF. They honor our legal profession and MCB members who have contributed mightily to it. Please visit [www.MeckBar.org](http://www.MeckBar.org) to learn more, and make plans now for you and members of your firms and organizations to participate. 

# ORDER EXTRA COPIES OF THE 2010-11 MCB MEMBERSHIP DIRECTORY

The 2010-11 MCB Membership Directory\* is a critical reference tool for you and your staff. As an MCB member, you will receive one copy of the MCB Membership Directory at no cost in early March. Be sure to order extra copies for your office staff and paralegals at [www.MeckBar.org](http://www.MeckBar.org).

Here's how legal staff use their copies of the Directory:


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

Carla Brafford, CLA, NCCP

Womble Carlyle Sandridge & Rice, PLLC

\* The 2010-11 MCB Membership Directory is NOT the pictorial directory – this will be published in 2012. 

## MCB BASKETBALL LEAGUE

The Mecklenburg County Bar Basketball League will begin its 2011 season in late February/early March 2011. Games will be played at the Harris YMCA. If you're interested in participating, please contact Matt Arnold at [ra@arnoldsmithlaw.com](mailto:ra@arnoldsmithlaw.com) or Nick Allmon at [nallmon@rbh.com](mailto:nallmon@rbh.com) as soon as possible! 

## Upcoming Events

Details and registration information at [www.MeckBar.org](http://www.MeckBar.org) or 704/375-8624

### Saturday, February 12

**Diversity Day Conference** – A conference for minority undergraduate & high school students interested in a career in the law. Remarks provided by keynote speaker Harriett T. Smalls, attorney at Smith Moore Leatherwood LLP. Local attorneys, judges, law school admissions representatives and law school students will also be present. Free to attend, lunch provided to all preregistered attendees. Johnson C. Smith University; Grimes Lounge; 10:30 a.m. – 2:30 p.m.

### Tuesday, February 16

**Coffee Connections** – Free networking event for attorneys in solo/small firms - whether you are just opening, considering expanding or looking for an opportunity to mingle. Gather informally with colleagues and gain valuable resources. MCB Center (438 Queens Road); 5 p.m. - 7 p.m.

### Thursday, February 24

**McMillan Fund Dinner** – The annual dinner is both the McMillan Fund's principal fundraiser and the setting for the Mecklenburg County Bar's Julius L. Chambers Diversity Champion Award. The dinner will feature remarks by Leslie Winner and the presentation of the MCB Chambers Diversity Champion Award. Byron's South End, 101 West Worthington Ave.; 6 p.m. - 8:30 p.m. Registration deadline: Feb. 18.

### Thursday, March 3

**Lawyers Luncheon Series** – Join your colleagues at a regular monthly lunch meeting to eat, socialize and hear remarks from a speaker. The March luncheon will feature remarks from Jim Strother, Wells Fargo General Counsel. First Presbyterian (200 W. Trade Street); 12:15-1:15 p.m.; \$10/person.

### Thursday, March 10

**Law & Society Luncheon** – The annual luncheon where lawyers enjoy good fellowship, an inspiring message, and support the good work of the Mecklenburg Bar Foundation. The keynote address will be provided by "Master of Disasters" Kenneth Feinberg. The luncheon will also feature the presentation of the Mecklenburg Bar Foundation's highest honor, the Ayscue Professionalism Award. Hilton City Center (222 E. Third Street); 12 p.m.; \$35/person for lunch only or \$75/person for lunch and 1 hour CLE credit.

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# NEW YEAR RESOLUTIONS FOR MARKETING YOUR LAW FIRM

By Camille Stell

The new year is the perfect time for a fresh start and to put a new plan in place. If you want to grow your law practice, what will you do in 2011 to market your firm?

One new year's resolution is to **learn about social media**. A blog is nothing more than a law firm newsletter online. Tweeting is an even shorter version of your newsletter. There's more to it than that, but not much. You can spend a little time reading some articles about whether social media is right for you and then ask any 14 year-old that you know to help you set up a blog site and a Twitter account.

**Become a source for news in your practice area.** Do you know the reporters from the news media who write about your practice area? If not, give them a call or send them an email to introduce yourself. Then make it a point to call them to discuss stories they write, share information on trends you see in your practice area or to brainstorm article ideas that you think their audience would be interested in reading. Establish a relationship that is beneficial to both of you and be responsive when the reporter calls on a deadline. Advertising is a valid way to build your law firm profile, but seeing your name or your law

firm name in print as a resource is a great way for potential clients to identify you as the "go-to" person in your practice area.

**Build relationships.** Get out of the comfort of your office and start meeting people. Join your local Chamber of Commerce, Rotary or Toastmasters club. Keith Ferrazzi in his book, "Never Eat Alone," describes networking as "connecting – sharing my knowledge and resources, time and energy, friends and associates, and empathy and compassion in a continual effort to provide value to others, while coincidentally increasing my own. Like business itself, being a connector is not about managing transactions, but about managing relationships." His book is an interesting study on how to incorporate networking into every aspect of your life. Put it on your reading list.

**Develop a targeting plan.** Make a list of people or companies that would be potential clients or referral sources for you. When you have identified the person, or group or association, do some research and answer these questions: what associations do they belong to, what do they read, where do they hang out and most importantly, what are the issues that keep them up at night that you can help solve. I shared the idea of a targeting

plan with a lawyer I worked with. He was a former general counsel and as we discussed the idea of targeting plan, a light came on for him – "I was on a lawyer's target list! This lawyer showed up at meetings I attended, introduced himself to me, sought me out for discussions and finally begin to share ideas with me that he thought could help my company's business." When I asked him what happened as a result of the targeted interactions, he replied, "I sent work his way." This really does work, try it for yourself.

**Hire a coach, attend marketing classes, hire a marketing consultant or join a legal marketing organization.** Check out these websites: lawmarketing.com, sugarcrest.com, altmanweil.com, therainmakerblog.com or myshingle.com. Join the weekly "law firm marketing success" mailing list at lawyerbizcoach.com and receive a free 45-page law firm marketing plan. The Legal Marketing Association (legalmarketing.org) is a national organization with chapters in Charlotte, Greensboro and Raleigh. You can attend meetings as a guest if you don't want to commit to membership. With a coach or staff member charged with marketing, you'll have someone to help you develop your strategy and hold you accountable for implementing.

Marketing your law practice should be painless. The new year is a perfect time to strategize about ways to market your practice that fit your law firm culture. The practice of law is a profession, but a law firm is a business and marketing is an essential element to keeping your law practice strong and growing.

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Camille Stell is the Director of Client Services for Lawyers Mutual. With over 20 years of experience in the legal field, Camille has worked for law firms as a paralegal, legal recruiter and business developer. Contact Camille at 800/662-8843 or [Camille@lawyersmutualinc.com](mailto:Camille@lawyersmutualinc.com). 

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# SIGNIFICANT MILESTONES DESERVE SIGNIFICANT RECOGNITION

In 2012, the Mecklenburg County Bar will commemorate its Centennial anniversary. We will acknowledge and celebrate the extraordinary contributions that lawyers have made and are making in the life of Mecklenburg County.

The MCB has been diligently laying the foundation for the Centennial celebration for more than two years. Projects currently underway include the publication of *The History of the Mecklenburg County Bar*, a pictorial membership directory, an online interactive historical timeline and an organized and easily accessible MCB archive.

The Centennial Celebration Subcommittee, chaired by Shirley L. Fulton and Mark W. Merritt, is now adding the final layer to the Centennial plans – to host grand celebrations worthy of the Bar's 100-year anniversary. While plans are not yet complete, we are beginning to define specific projects and activities in honor of our Centennial, including an exhibition on the history of the MCB at the Levine Museum of the New South - along with member and public opening receptions, a lecture series on the history of the MCB, a black-tie gala with a noteworthy, national keystone speaker and a month-long commitment to community service projects throughout Mecklenburg County.

With just one year to make all of this

happen, the Centennial Celebration Subcommittee is seeking volunteers for several task forces:

**Events Task Force**, chaired by John W. Lassiter

The Events Task Force is charged with planning and coordinating a black-tie gala, opening receptions at the Museum of the New South for Bar members and the public and an educational lecture series. *Seeking volunteers with interest/expertise in event creativity, coordination, promotion/publicity and/or sponsor solicitation.*

**Museum Exhibition Task Force**, chaired by David W. Erdman and Eric A. Montgomery

The Museum Exhibition Task Force is tasked with coordinating the historical content to be highlighted in the Levine Museum of the New South exhibition. This task force will work closely with members of the Bar History Committee who are coordinating the writing and publishing of *The History of the Mecklenburg County Bar*. *Seeking volunteers with interest/expertise in local and/or legal history, research and/or graphic design/content layout.*

**Outreach Task Force**, chaired by The Hon. Albert Diaz and Henderson Hill

The Outreach Task Force will work to ensure all segments of the Bar (affinity groups, public service, private/small firms, young lawyers) have been invited and encouraged to participate in the Centennial Celebration. In

addition, this Task Force will develop and implement strategies to reach out to and involve the public in the various events, service opportunities and other activities that will be part of our celebration. *Seeking volunteers with interest/expertise in public/media relations, diversity & inclusion, volunteer coordination/recruitment and/or newsletter/op-ed writing.*

**Service Project Task Force**, chaired by Robert (Bob) E. Henderson and Sara (Sally) W. Higgins

The Service Project Task Force will develop and implement a celebration of service month. Service projects may include legal clinics, working with area charities and involving our schools in celebrating the importance of our legal system. We will engage many different groups within the community in our activities. *Seeking volunteers with interest/expertise in volunteer coordination/recruitment and/or community service.*

**Finance Task Force**, chaired by Mark Merritt

The Finance Task Force is charged with raising funds for all projects detailed above and monitoring project budgets. *Seeking volunteers with expertise in fundraising.*

To volunteer, please contact the task force chair(s) and/or MCB staff liaison Rhea Kelley at rkelley@meckbar.org or 704/375-8624 by Feb. 25, 2011.

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# PROCEDURES FOR BOARD OF DIRECTORS NOMINATION


In accordance with Article VI, Section 2(f) of the MCB bylaws, interested members of the Mecklenburg County Bar are encouraged to submit their names or the names of other active members of the Bar for consideration as nominees for various offices and board of directors' seats for the fiscal year beginning July 1, 2011. **Please note that nominees must have agreed to serve prior to being officially nominated.**

Names should be submitted no later than March 15, 2011 to Nominating Committee Chair Patrick E. Kelly, MCB Executive Director Nancy M. Roberson or mailed to Nominating Committee, c/o MCB, 438 Queens Road, Charlotte, NC 28207. All names must be received by Mar. 15, 2011 at 5 p.m. **The Nominating Committee will meet on Tues., Mar. 15, 2011 at 5 p.m. at the MCB Center on 438 Queens Road. MCB members may elect to appear at 5 p.m. to nominate a member.**

Members of the Nominating Committee will be printed in the March edition of the *Mecklenburg Bar News*. A list of the persons nominated by the Committee will be posted on [www.MeckBar.org](http://www.MeckBar.org) in March, printed in the April edition of the *Mecklenburg Bar News* and presented to the membership at the MCB Annual Meeting on May 19, 2011. Additional nominations may also be made from the floor at the Annual Meeting.

The Committee shall nominate persons to serve in the following offices for the 2011-12 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 – two of whom must be current members of the Young Lawyers Division)
- Young Lawyers Division Chair (ex-officio member of the Board, one-year term – current member of the Young Lawyers Division)

You may review the MCB bylaws at [www.MeckBar.org](http://www.MeckBar.org). 

on multiple occasions. He has at various times served as Chair of the American Bar Association Special Committee on Mass Torts, on Presidential Commissions on Human Radiation Experiments and on Catastrophic Nuclear Accidents, as Chair of the RAND Institute of Civil Justice and as Vice Chairman of the Board of Human Rights First. In his spare time, Mr. Feinberg serves as the President of the Washington National Opera – and has served as an Adjunct Professor at six distinguished law schools!

The 21st annual Law & Society Luncheon will also include the presentation of the Mecklenburg Bar Foundation's highest honor, the Ayscue Professionalism Award. Past award winners have included NC Supreme Court Chief Judge Sarah Parker and the late Joseph W. Grier Jr. Last year's honoree was Ray S. Farris.

The annual Law & Society Luncheon gives lawyers an opportunity to enjoy good fellowship and an inspiring message, and to support the good work of the Mecklenburg Bar Foundation. We also encourage you to bring along nonlawyer friends and colleagues as this is one of the rare Bar events open to the public. For more information on firm sponsorships or how you can help promote this year's event and/or support the Mecklenburg Bar Foundation, please contact Carl Horn at [ch@carlhornlaw.com](mailto:ch@carlhornlaw.com), Allain Andry at [AAndry@rbh.com](mailto:AAndry@rbh.com) or Leah Reed Campbell at [lcampbell@meckbar.org](mailto:lcampbell@meckbar.org).


The Mecklenburg County Bar has applied for one hour CLE credit, which we are confident will be granted (and probably will have been granted by the time this is published one month hence).

**When:** 12:00 p.m., March 10, 2011

**Where:** Hilton Charlotte Center City, 222 E. Third Street

**Costs:** \$35 lunch only/\$75 lunch and 1 hour CLE credit (CLE credit pending approval). If you interested in purchasing a table or sponsorship opportunities for this event, contact Leah Campbell at [lcampbell@meckbar.org](mailto:lcampbell@meckbar.org).

**Registration:** Please visit [www.MeckBar.org](http://www.MeckBar.org) to register. The registration deadline is Friday, March 4, 2011.

**Questions:** Please contact Leah Campbell at [lcampbell@meckbar.org](mailto:lcampbell@meckbar.org). 

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# SPOTLIGHT ON IMMIGRATION COURT

By Hannah F. Little

Located on the fourth floor of an unassuming office building in east Charlotte, the immigration court has determined the fate of hundreds of individuals since its opening on November 4, 2008. One of 59 immigration courts nationwide, the Charlotte court is administered by the Department of Justice's Executive Office for Immigration Review (EOIR). Immigration courts determine whether foreign-born individuals, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the U.S. or should be granted relief or protection from removal and permitted to remain in the country. While removal hearings are their primary function, immigration courts also conduct a limited number of other hearings and reviews such as bond redetermination for individuals detained by DHS.

There are more than 235 immigration judges nationwide; Charlotte is home to three. The Honorable Theresa Holmes-Simmons served as an immigration judge at the New York Immigration Court for 10 years prior to arriving in Charlotte for the opening of the new court. She was later joined by The Honorable Barry J. Pettinato who was appointed by Attorney General Eric Holder in November 2009 after serving as a trial attorney, senior litigation counsel and assistant director of the Office of Immigration Litigation at the Department of Justice. The court's newest judge, The Honorable Stuart Couch, is a member of the Mecklenburg County Bar and was in private practice in Charlotte prior to his appointment in October 2010. The immigration judges are supported by a court administrator and four additional court employees.


Prior to November 4, 2008, respondents from North and South Carolina were forced to travel to Atlanta for removal hearings and the travel costs and legal fees were burdensome for many. However, if an individual in removal proceedings fails to attend his/her hearing, the consequences can be devastating. The individual is often subject to an in absentia removal order. Once an in absentia order has been entered against a respondent, it is difficult to reopen or appeal, even if the

individual has a valid defense. Local community advocates and immigration attorneys agree that the opening of the immigration court has increased access for respondents. "I don't think there is any question that having a court here in Charlotte has helped the immigrant population... it is so much less expensive and cumbersome," states George Miller, a Charlotte immigration attorney since 1986. In addition to decreased financial costs for respondents, the opening of local immigration court has encouraged many respondents to actively seek relief from removal. Adriana Galvez Taylor of the Latin American Coalition comments, "The opening of the court in Charlotte has made more of our constituents actively seek out information and representation regarding their cases...more people are proactively making the effort to take a hand in their own affairs." Heather Ziemba, a Mecklenburg County Bar member who has practiced in the Charlotte area for over a decade, points to the increased availability of legal services as another benefit of the new court, "The opening of the court has made it easier for the local immigrant community to access legal services because many firms as well as non-profit legal services programs in North and South Carolina have expanded their services to include representation in removal proceedings."

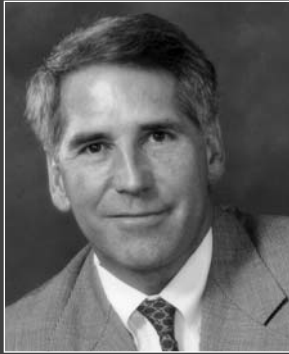
Members of the Mecklenburg County Bar have responded to the opening of the new court by expanding or changing the nature of their practices. Before the court's opening, local immigration attorneys either limited their work to non-removal cases or journeyed to Atlanta to represent their clients in removal proceedings. Miller often traveled to Atlanta once a month or more to represent clients in removal proceedings in Atlanta. With the opening of the new court, he is practicing more removal work and rarely has to travel to Atlanta. "The convenience of the court here in Charlotte is fantastic. It's easier to prepare and dispose of hearings here rather than travel to some other jurisdiction," says Miller. When Steve Garfinkel opened his immigration law firm in Charlotte 13 years ago, his practice was limited to business and family based immigration cases. He responded to the increased calls from clients in proceedings at

the local court by hiring the firm's fifth immigration attorney to specifically offer removal defense assistance. Garfinkel is enthusiastic about the change, stating, "We saw the opening of the court as an opportunity to expand our firm to become a full service immigration firm and have been quite pleased with the progress of this practice area. The removal practice has exceeded our expectations."

The new court has highlighted the demand for knowledgeable, licensed immigration law practitioners. Community advocates are concerned by the rise in predatory practices by unauthorized practitioners of law. Immigrants in removal proceedings who are anxious to remain in the country often pay hundreds or thousands of dollars to unscrupulous "notarios" with no results. Sadly, there are also licensed attorneys with little to no immigration law training or preparation who have accepted removal cases. "Immigration is very technical and tedious. Like every other area of practice, you must know this area before you sojourn into the fray. The consequences are severe and not likely to be remedied or repaired," warns Miller.

As in many other areas of law, there is a desperate need for pro-bono legal representation for individuals currently in removal proceedings. Respondents in immigration court do not have a constitutional right to an attorney because removal from the U.S. is a civil proceeding. Thanks to a grant from the Foundation of the Carolinas, the Immigration Working Group – a coalition of the Mecklenburg County Bar, local immigration attorneys, public-interest attorneys and Charlotte School of Law – has instituted a pilot program where volunteer attorneys screen prospective individuals to determine whether they are eligible for relief. While the program has been an enormous success and provides an essential service, it does not encompass representation of individuals who have a defense to removal. The nonprofit organizations that provide this service are overwhelmed by the demand and are forced to turn away clients. To volunteer or to learn more, please contact the Mecklenburg County Bar Volunteer Lawyer Program at 704/375-8624 or [mjsamuel@meckbar.org](mailto:mjsamuel@meckbar.org). 

# Mediation & Arbitration Services in Federal Cases



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- Successful in settling most cases mediated, first as a Judicial Settlement Officer and, more recently, as a Court-appointed or privately retained Mediator
- Adjunct Professor, Charlotte School of Law
- Named a 2011 *North Carolina Super Lawyer*

Carl Horn, III  
2810 Wamath Drive  
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## Young Lawyers Division

# PROMOTING PROFESSIONALISM

By Daniel A. Merlin, Chair

As we pass the half-way mark of this fiscal year, I felt it appropriate to re-visit this year's focus for the Young Lawyers Division: professionalism. Professionalism is often confused with ethics. This confusion is perpetuated with the title of the North Carolina ethics rules: The Rules of Professional Conduct. But abiding by the North Carolina Rules of Professional Conduct is the minimum bar we must clear to practice law. True professionalism is a higher standard to which we should all aspire.

Professionalism is undeviating courtesy, honesty and responsibility to peers and clients. Sincere professionals bring a level of excellence to their everyday interactions that reach beyond commercial considerations and legal requirements. Professionalism frequently gets overlooked by new lawyers because of the tidal wave of information that bears down upon them in their first few years of practice. Without an apprenticeship system, new lawyers are expected to learn and apply hundreds of pieces of new information in an incredibly short time frame. For example, within the first six months of practice, a typical new civil litigator will need to learn about working with clients, billing, collecting receivables, filing, recording, clerks in 100 different counties, weekly and monthly publications, the most recent North Carolina Rules of Civil Procedure, North Carolina Rules of Evidence, local rules for each county in which the new lawyer practices, how each county's Trial Court Administrator manages the calendars, locations of the courthouses around the state, courtroom demeanor, marketing, managing client expectations, interacting with judges, etc. If the new lawyer is a solo practitioner, then he or she will also need to learn (very quickly) about trust accounts, office space rental issues, payroll, employee training, computer systems, billing software, accounting software, online legal research pricing, etc. If a new lawyer does not

intentionally promote a professional style of practice, it will undoubtedly get lost in the shuffle.

But professionalism is more important than any other skill for new lawyers because interpersonal skills are the main method by which other attorneys and clients evaluate new lawyers. Unlike jobs that create tangible products, our reputations are in large measure the products upon which we trade. And our reputation is constantly tested because we engage with other lawyers on behalf of our clients every day. Very few members of the Bar know other attorneys' total win/loss records (we don't keep score), but all members of the Bar know which attorneys are unprofessional.

It is vital for the new lawyer to remember that there is no grace period. New lawyers will be judged by their actions from the first day they practice law until they retire. This is why professionalism is such a high priority for the MCB Young Lawyers Division. To encourage professionalism among young lawyers, the YLD has organized a number of camaraderie-building community service activities including constructing a house with Habitat for Humanity, participating in the Salvation Army's Giving Tree Program, and partnering with Thompson Child and Family Focus to provide meals for families in need at Thanksgiving. The YLD also coordinated a CLE in the fall that addressed professionalism and other general information for new lawyers. Additionally, members of the YLD collaborated to offer the community Ask-A-Lawyer Days, where lawyers provided free legal assistance to individuals in the greater Charlotte-Mecklenburg area.

Professionalism is a skill that all new lawyers need to hone. The YLD will continue to give new lawyers opportunities to improve this skill. To learn more about upcoming YLD events, please visit [www.MeckBar.org](http://www.MeckBar.org) or contact Connectivity Committee Chair Carrie Mansfield at [cmansfield@charlottelaw.edu](mailto:cmansfield@charlottelaw.edu).



## SEAN F. PERRIN

This month's MCB VLP spotlight is on former VLP Committee Co-chair Sean F. Perrin of Womble Carlyle Sandridge & Rice. In addition to leading the VLP Committee for more than two years, he has spent many hours assisting Legal Aid of North Carolina clients on landlord/tenant issues and LANC staff in assigning cases through Womble Carlyle's & LANC's collaborative Landlord/Tenant Project. Mr. Perrin is recognized on the MCB Pro Bono Honor Roll which honors Bar members who have donated at least 20 hours of pro bono time within one calendar year. With more than 100 hours of donated service this past year, the Bar thanks Mr. Perrin for his consistent support in addressing pro bono needs within the community.

**MCB VLP:** Current Employer / Length of time with that employer?

**SFP:** Womble Carlyle Sandridge & Rice / 8 years

**MCB VLP:** Area of Practice / Expertise?

**SFP:** Business Litigation / Public Official Defense

**MCB VLP:** Law School / Graduation Year?

**SFP:** UNC – Chapel Hill, 1995

**MCB VLP:** How did you discover this pro bono issue?

**SFP:** I did legal work at Blue Ridge Legal

Services while an undergrad at James Madison University and enjoyed this work. I am a member of the Mecklenburg County Bar Volunteer Lawyer Program, and Ted Fillette of Legal Aid, who is also a member, indicated that there was a need for help with landlord tenant work.

**MCB VLP:** What is a typical case like?

**SFP:** A typical case involves a tenant who is being evicted by a landlord due to nonpayment of rent. Most of the time the tenant has defenses – like retaliatory eviction or violations of the implied warranty of habitability or unfair and deceptive trade practices – which they may not be aware of until they contact Legal Aid.

**MCB VLP:** How many of these types of pro bono cases do you typically handle at one time?

**SFP:** Approximately 3-4.

**MCB VLP:** Did you participate in any particular training so that you could handle these cases?

**SFP:** I participated in landlord/tenant CLE.

**MCB VLP:** What is your hope for the future with regard to these cases?

**SFP:** My hope is that law firms will participate in the landlord tenant program established by Legal Aid of North Carolina, and start volunteering one time per month to assist Legal Aid with these cases. I would also hope that landlords will start providing people

with habitable places to live, particularly in these economic times.

**MCB VLP:** What is the best advice

you've received during your legal career and do you now give to others?

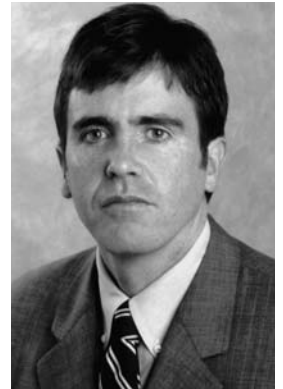
**SFP:** Treat everyone like they are your boss' mother.

**MCB VLP:** What is the most challenging part of your career?

**SFP:** Trying to bill hours while having four very active children.


**MCB VLP:** What is your favorite part of your current job?

**SFP:** Trying cases.



Sean F. Perrin

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*If you are interested in learning about the Landlord/Tenant Project, or starting one at your firm, please contact Legal Aid of North Carolina or MCB VLP Coordinator Mary Jordan Samuel at [mjsamuel@meckbar.org](mailto:mjsamuel@meckbar.org). Volunteers are needed to screen cases as well as take those cases that have been accepted by Legal Aid of North Carolina. Training is available through MCB CLE and a replay may be scheduled at your firm. *

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# NEW JUDGES SEATED ON THE DISTRICT COURT BENCH

By Charles Keller, Jr., Community Access & Outreach Administrator

The November 2010 election brought three new judges to the District Court bench.



**Judge Donald R. Cureton Jr.** served as a Mecklenburg County Assistant Public Defender working in District and Superior Court. Prior to that, his legal experience included

working at Bush & Powers (now Powers McCartan, PLLC) and Black Entertainment Television, Inc. Judge Cureton's community work includes serving as a mentor with the MCB's Lunch with a Lawyer Program, a board member for Larry King's Clubhouse and an executive member of the John S. Leary Bar Association. Judge Cureton graduated from Winston-Salem State University and the Howard University School of Law. Judge Cureton is assigned to the domestic court track.



**Judge Matthew "Matt" J. Osman** served as an Assistant District Attorney in Union County where he prosecuted a wide range of criminal matters, including homicide, sexual assault,

domestic violence and driving while impaired. Judge Osman is a former U.S. Navy Judge Advocate General (JAG). He served in Japan, Spain, Charleston, SC, and onboard the USS Essex, where he worked as a prosecutor, defense attorney, staff attorney and advised sailors and their families on domestic and civil issues. Judge Osman is a graduate of UNC Chapel Hill and Regent University School of Law. Judge Osman is assigned to preside in the criminal trial courts.



**Judge Sean P. Smith** served as an Assistant District Attorney in the Mecklenburg County District Attorney's Office from 2004 through 2010.

Prior to working in the Mecklenburg County District Attorney's Office, Judge Smith worked in federal and local prosecutors' offices in Philadelphia, PA. In his free time, Judge Smith referees professional, collegiate and youth soccer. Judge Smith is a graduate of the University of Notre Dame and received his law degree from Villanova University.

*District Court Judges are attorneys who are elected for each judicial district in non-partisan elections for four years and must reside in the district in which they are elected.* **MCB**

## NOMINATIONS FOR 2011 LIBERTY BELL AWARD

The Law Day Committee is accepting nominations for the 2011 Liberty Bell Award. This annual award, our Bar's highest honor for a non-lawyer, will be presented during the MCB Law Day Luncheon during the first week of May -- specific date and location will be announced in a future publication and on [www.MeckBar.org](http://www.MeckBar.org).

The Liberty Bell Award recognizes an individual who has performed community service that has strengthened the American system of freedom under the law. The following criteria govern consideration by the committee to recognize outstanding service by a non-lawyer in one of these areas:

1. Promoting a better understanding of our Constitution and the Bill of Rights.
2. Encouraging greater respect for law and the courts.
3. Stimulating a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights.
4. Contributing to the effective functioning of our institutions of government.
5. Fostering a better understanding and appreciation of the rule of law.

Please submit your nominations, including supporting materials and résumé of the nominee (if possible), by April 1, 2011 to Liberty Bell Award, 438 Queens Road, Charlotte, NC 28207; fax to 704/333-6209, addressed to Liberty Bell Award; or e-mail

[jmayer@meckbar.org](mailto:jmayer@meckbar.org), subject line: Liberty Bell Award. All nominations will be held in confidence. **MCB**



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# CHARLOTTE SCHOOL OF LAW STUDENTS - INTERNATIONAL MOOT COURT CHAMPIONS

By Bo Caudill

Two Charlotte School of Law students, Lynna Moen and Bo Caudill, recently traveled to Bloemfontein, South Africa to compete at the University of the Free State Koviesie Moot Court Competition. The Charlotte Law team, coached by Charlotte Law Professor Sheryl Buske, competed against 15 other teams - seven additional teams competing in the English Division and eight teams competing in the Afrikaans division - and was the only team representing the United States.

This year's competition problem involved a lesbian couple's divorce, division of the marital estate, custody of a mentally-handicapped child, custody of an unborn child and control over frozen embryos created for the couple's use in an IVF procedure during their marriage. The parties' claims raised issues of first impression in South African family law, and students were encouraged to rely on international case law and treatises in addition to South African law when researching and drafting their Heads of Argument (briefs.) Each team was required to draft and file Heads for each party.

The first rounds of the two-day competition took place in the Free State High Court in Bloemfontein with a two-judge panel

presiding. Advocates, professors and family court, High Court and magistrate judges participated as competition judges. Four teams from each division advanced to the semi-finals round. Advancing teams were announced following a luncheon at the High Court.

The semi-final round was argued the next day in the South African Court of Appeals in Bloemfontein. The Court of Appeals is South Africa's highest court on all matters not involving constitutional issues. A three-judge panel presided. The final round for each division was argued immediately following the semi-final round. After advancing through both the semi-final and final round within the English Division, Charlotte Law argued a final time in the first-ever Overall Final between

the winners of the English and Afrikaans Divisions. A five-judge panel presided. The panel's decision was unanimous - the Charlotte Law team won awards for Best English Team and Best Overall Team.

While in South Africa, the Charlotte Law team was afforded an opportunity to meet and socialize with teams from other law schools, competition judges and team coaches. The team also participated in a community service project, raising funds to take a group of local at-risk children to a resort for a play-day. 



Left to right: Sheryl Buske, Bo Caudill, Lynna Moen

## 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.

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The Mecklenburg Bar Foundation is pleased to announce we have awarded more than \$40,000 to local programs and non-profits in our community. MBF awards competitive grants to projects that improve access to justice, education and legal development and increase public awareness of jurisprudence. The grants are supported by the generosity of our Mecklenburg County Bar members and law firms. Thanks to you:


**North Carolina Legal Education Assistance Foundation** will be able to support the vital work of Mecklenburg County public interest attorneys by providing financial assistance for its educational loan repayment program.

**Council for Children's Rights** will continue to fund a second full-time attorney for the Custody Advocacy Program to represent children in high-conflict custody disputes.

**The Professional Assistance Financial Fund** will help offset the financial hardship associated with rising professional development costs

for qualifying attorneys in five public interest agencies in Mecklenburg County (District Attorney's Office, Public Defender's Office, Legal Services of Southern Piedmont, Legal Aid of North Carolina and Council for Children's Rights).

**Kids Voting Mecklenburg** will be able to support civic education programs for Charlotte Mecklenburg students. Programs will benefit more than 100 teachers and 5,000 high school students, targeting students in high-poverty schools.

Through grants made to local organizations and programs, the Mecklenburg Bar Foundation aims to advance public understanding and respect for the rule of law and the role of the legal profession; to promote the highest ideals of professionalism, public service and access to the legal system; and to support the goals of the Mecklenburg County Bar. For more information on current and previous grant recipients, please visit [www.MeckBar.org](http://www.MeckBar.org). 




## THANK YOU TO ALL OUR 2010 BFF DONORS!

The Mecklenburg Bar Foundation's Bar Foundation Fund was created, in part, to provide members of the Mecklenburg County Bar a chance to give back to the community as a group—a chance to contribute to the greater good through collective giving. The Foundation is pleased to announce that we reached \$196,000 of our

\$200,000 goal for the 2010 BFF campaign.

Thanks to all those firms and individuals that have supported the BFF. We couldn't have done it without you. Stay tuned to next month's Bar News for details on the 2011 Bar Foundation Fund campaign!

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*continued on page 14*

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