NorthCarolina Lawyers WEEKLY
VOLUME 35 NUMBER 12
IN DIGITAL. IN PRINT. IN PERSON. Expertly Focused On Today's Legal Professional.



Donated service has rewards that outweigh hourly fees

PAGE 4

EMPOWERING WOMEN

Firms recognized for developing female lawyers, staffers

PAGE 21

PROFILE

Brown discusses plans for service as bar's leader

PAGE 8



LAWYERS MUTUAL

NEW INSURED BENEFITS. ADDED VALUE.

LM PORTAL

New and improved ways to manage your policy and easily get the documents you need.

- Pay your bill online
- Download a Declaration Page
- Get confirmation of insurance
- Make policy changes
- Add attorneys and remove attorneys

LM APP

Now available on your smartphone

- All the conveniences of the portal - on the go!
- Manage your account and make changes to your policy in a convenient app format
- Download the app on your iPhone or Android device – Lawyers Mutual NC in the app store

ON DEMAND CLE

Get CLE when and where you want!

- Get CLE hours on your time, and wherever you want
- **FREE** for Insured attorneys and paralegals/staff
- Choose the topics relevant to your practice

Visit WWW.LAWYERSMUTUALNC.COM to learn more and start using your new insured benefits.

919.677.8900 800.662.8843 www.lawyersmutualnc.com

NorthCarolinaLawyers WEEKLY
IN PRINT. IN DIGITAL. IN PERSON. Expertly Focused On Today's Legal Professional.

130 North McDowell Street, Unit B, Charlotte, NC 28204
(704) 377-6221 • FAX(704) 377-4258
E-mail: service@bridgetowermedia.com • **Circulation: 1-877-615-9536**

Managing Director/Publisher
Susan A. Bocamazo, Esq., sbocamazo@lawyersweekly.com

■ **EDITORIAL**

Editor
Ross Chandler
rchandler@lawyersweekly.com

Digital Media Manager
Scott Baughman
sbaughman@mecktimes.com

■ **CIRCULATION**
1-877-615-9536
service@bridgetowermedia.com

■ **ADVERTISING**

Advertising Director
Johnny Aguirre
jaguirre@molawyersmedia.com

Advertising Account Executive
Sheila Batie-Jones
sbatie-jones@nclawyersweekly.com

■ **ACCOUNTING & ADMINISTRATIVE**

Business Manager
Kelly Olson
kolson@bridgetowermedia.com

■ **ART & PRODUCTION**

Creative Director
Melanie Bingham

Project Management
Jordan Mazuranic

Production Specialist
John Reno

Director of Production Services
Bradley Redmond

WWW. NCLAWYERSWEEKLY.COM

NCLAWYERSWEEKLY
North Carolina Lawyers Weekly [ISSN10411747] [USPS 002-904] is published Monthly with General Statewide Circulation by North Carolina Lawyers Weekly, 130 North McDowell Street, Unit B, Charlotte, NC 28204

Periodicals postage paid at Charlotte, North Carolina 28228-9998.

POSTMASTER - *Electronic Service Requested. Send address changes to: North Carolina Lawyers Weekly, Subscription Services, P.O. Box 1051, Williamsport, PA, 17703-9940*

To place orders, temporarily stop service, change your address or inquire about billing:
Phone: (877) 615-9536
Email: service@bridgetowermedia.com

To submit subscription payments, mail:
Subscription Services P.O. Box 1051
Williamsport PA 17703-9940

©2023 BridgeTower Media. Material published in North Carolina Lawyers Weekly is compiled at substantial expense and is for the sole and exclusive use of purchasers and subscribers. The material may not be republished, resold, recorded, or used in any manner, in whole or in part, without the publisher's explicit consent. Any infringement will be subject to legal redress.

BridgeTower OpCo, LLC d/b/a North Carolina Lawyers Weekly Media is an equal opportunity employer.

CONTENTS

COVER STORY
p4 | Pro bono work has its own rewards.
PROFILE
p8 | Brown takes cooperative approach to bar leadership.
OPINION DIGESTS
p11 | Roundup of rulings on state and federal appeals.
UNSUNG HEROES
p17 | Behind-scenes staffers keep firms on track.
EMPOWERING WOMEN
p21 | Practices' efforts promote female attorneys.
REAL ESTATE POWER LIST
p26 | Lawyers honored for work in specialized practice.
VERDICTS & SETTLEMENTS
p34 | The latest roundup of concluded legal actions.

LETTER FROM THE EDITOR

The October cover story about legal deserts struck a chord with one reader, and I am glad.

Adrian Iapalucci has a one-man criminal defense practice, The Iapalucci Law Firm, in Southport in Brunswick County. In a letter to the editor on Page 36, he touted the value of practicing in an area that has relatively few lawyers, and he took this magazine to task over how its coverage leans toward large firms in metropolitan areas — the antithesis of legal deserts.



CHANDLER

He was right on both counts.

After graduating from Campbell Law, Iapalucci wrote, he heeded a professor's advice for new lawyers "to open up on their own and to move to rural counties where attorneys were needed.

Then he spoke a hard truth.

"Part of the problem can be seen in your magazine," he wrote. "If you go through your list of 50 [Most Influential Women] or your Family Law Power List, every one of the honorees is from one of the populated counties that are not legal deserts and is generally from a large firm."

That's spot on. To correct the problem, I need your help. Honor programs such as the power lists or 50 Most Influential Women are not created in a vacuum. The honorees largely come from you — readers who take a moment to nominate someone. There is a module almost at the center of the homepage of the magazine's website with the headline "The Power List." Nominating a person is as simple as clicking on a couple of links and filling out a quick form. It's time well spent. ◆

BRIDGETOWER MEDIA

COVER PHOTO: DEPOSITPHOTOS.COM

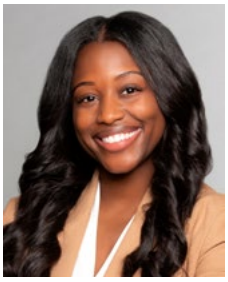
Freely given legal services provide a unique return

By Heath Hamacher

In September 2022, days after being admitted to the North Carolina bar, Desirae Williams accepted her first pro bono case.

After what Legal Aid of North Carolina called a "herculean effort," Williams settled the housing-related matter favorably for her client and was honored by Legal Aid through its Pro Bono Hero Award.

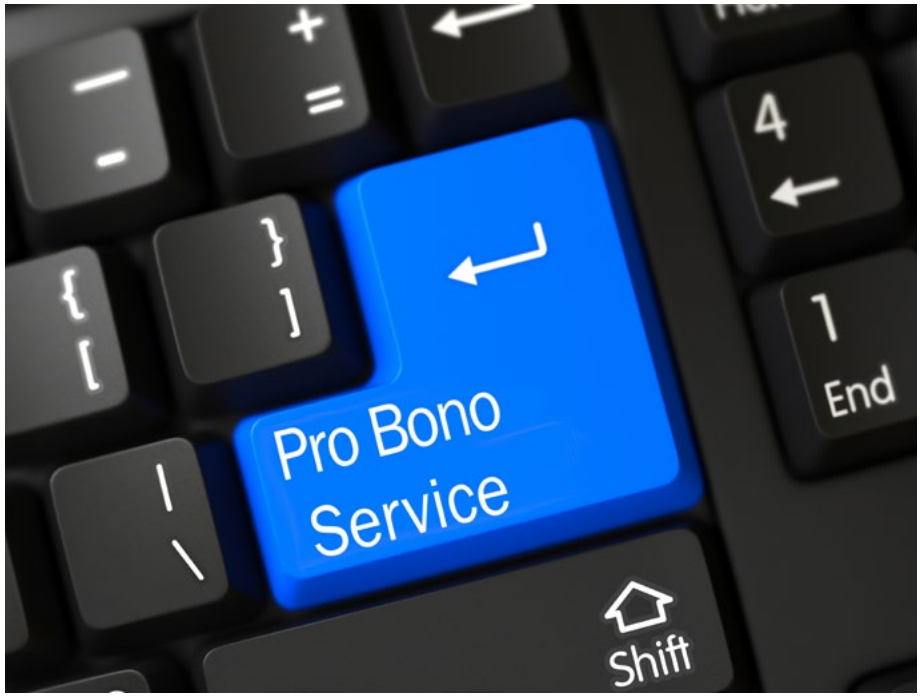
Williams doesn't work for Legal Aid or another legal services organization but is an associate with Robinson Bradshaw in Charlotte, one of the state's larger law firms. She devoted 30 pro bono hours to the matter simply because she enjoys helping those who can't help themselves.



Williams

A first-generation college graduate from Flint, Michigan, Williams points to her humble beginnings in explaining why she sometimes chooses to work for free.

"I know firsthand the impact of being unable to afford basic necessities due to my family's limited resources," Williams said. "Growing up, many organizations with goals similar to Legal Aid of North Carolina helped my family during hard times. I've always tried to give back to others in ways similar to those that my family received. I'm able to do that through pro bono work."



Depositphotos.com

No resources, no justice

Legal Services Corp., a congressionally established nonprofit corporation that funds civil legal aid to those who can't afford it, estimates that up to 80% of the civil legal needs of low-income Americans go unmet. Some agencies believe the percentage is higher. And where there are no resources to retain legal help, there often is no access to justice.

Elysia Prendergast-Jones, a supervising attorney with Legal Aid of North Carolina, said that many people can't afford their household bills, much less the extra expense of legal services, no matter how desperately they may need them.

"There is no assistance for many civil cases, especially custody matters," she said. "People need assistance in things such as understanding and filing the paperwork for those matters. Those things are only afforded to those who can pay, which creates a disparity in

OPPORTUNITIES FOR PRO BONO SERVICE

Many organizations work to bring together lawyers and clients in need. They include:

- **Charleston Pro Bono Legal Services** — Alissa Lietzow, 843-853-6456
- **Charlotte Center for Legal Advocacy** — Courtney Viebrock, courtney.viebrock@charlottelegaladvocacy.org
- **Legal Aid of North Carolina** — probono@legalaidnc.org
- **North Carolina Pro Bono Resource Center** — Sylvia Novinsky, sylvia@ncprobono.org
- **Pisgah Legal Services** — Max Gibbons, max@pisgahlegal.org
- **South Carolina Legal Services** — www.sclegal.org/pai

what is supposed to be a justice system. Even an hour of advice can make a world of difference for people."

Prendergast-Jones began her career helping the less fortunate long before law school, and today, she advocates and volunteers for domestic violence victims and those in need every chance she gets. She got her start in high school, volunteering with domestic violence shelters and manning crisis phone lines; she calls her current occupation a natural progression of her desire to help others.



PRENDERGAST-JONES

Among other capacities in which she serves, she cites 4ALL — Lawyers on Call as one of her favorite activities, answering legal questions for free that would otherwise cost the advice-seeker hundreds of dollars. She volunteers at her alma mater, the North Carolina Central University School of Law, as a law student adviser; is a guardian ad litem; serves on the North Carolina Bar Association's family law section council; and was the pro bono committee co-chair of the NCBA's family law section.

While Prendergast-Jones is not paid for her pro bono efforts, that is not to say that she doesn't benefit from the work. It's an honor, she said, to give away her most valuable commodity.

"Also, pro bono is as much for the person doing it as for the person receiving it," she said. "If an attorney could help one family in need, it can literally make a life-or-death difference for children."

North Carolina's Pro Bono Resource Center provides direct services for matters such as driver's license restoration but primarily connects lawyers to pro bono projects. The center's director, Sylvia Novinsky, said the organization's new online platform, Pro Bono Go, collaborates with the Charlotte Center for Legal Advocacy, Legal Aid of North Carolina and Pisgah Legal Services to feature searchable pro bono opportunities for legal professionals.

Video: See Elysia Prendergast-Jones discuss her most memorable pro bono case in a video at nclawyersweekly.com or by scanning the QR code here.

"These types of cases include housing, expunction, estate planning and heirs' property, domestic violence and family law, as well as innocence claims and guardian ad litem appellate work, and more," Novinsky said.

The (in)ability to pay

While Legal Aid clients and others of limited means cannot afford to pay the price associated with legal services, Prendergast-Jones said she believes her clients should be represented as if they are being billed $500 an hour.

"I wish at times that I could offer my family more monetary things that a corporate life would provide, but knowing I was able to change the direction of a person's life for the better gives me a pride money cannot," Prendergast-Jones said.

She recalled a time in private practice when she was representing a family on a custody issue. The family was on a payment plan but fell on hard times when one of the children was diagnosed with brain cancer. Prendergast-Jones began representing the family free of charge so they could afford to pay the mounting medical bills.

"Years later, the child recovered, and the children were living safe, wonderful lives," she said. "The parents wanted me to know how much my assistance meant to the entire family, and I could do nothing but smile."

At Charleston Pro Bono Legal Services, executive director Alissa Lietzow said that she doesn't believe that its clients, all facing hardships and setbacks, should be precluded from receiving the help they need because they lack financial resources.

"The judicial system can feel very intimidating, and I love that we can help alleviate some of that for our clients," Lietzow said.

Teaching to give

At the Charleston School of Law, where the mission is "Pro bono populi" ("For the good of the people"), students learn the practice of law as a profession, with the chief aim being to provide public service. To graduate, students must perform 50 hours of pro bono work under the supervision of a licensed attorney.

Charleston Law's director of public service and pro bono, Michelle Condon, said that the law school has been committed to public service since its founding.

"Our students have provided almost 290,000 hours of law-related services through our pro bono program since the law school began," Condon said. "The pro bono program is a win-win program. The sites and clients win by the students assisting attorneys in the provision of needed legal services, and the students win by gaining practical experience, making contacts in the community, and experiencing the satisfaction of giving back. Our goal is for the students to continue their pro bono work as practicing attorneys."

Lietzow, of Charleston Pro Bono, said that the ripple effect of having law student volunteers is inspiring.

"I find myself in the unique position with all of the law student involvement that we have to see how the training and exposure we provide to those students fosters a passion in them and they, in turn, chose a career in public service," she said.

The state bars in North and South Carolina and the American Bar Association also urge each lawyer to offer 50 hours of pro bono service each

See Page 6

Continued From Page 5

year. Those who do are named to a roll of honor by the state bars.

A firm commitment

When Russell Robinson, Bob Bradshaw and Robin Hinson founded Robinson Bradshaw in 1960, they promoted and encouraged the firm's attorneys to engage in pro bono work. As such, the firm has a rich history of seeking to meet the legal needs of the indigent and economically disadvantaged. Where Williams' pro bono award is the firm's latest recognition for its efforts, it is far from the only. On one level, the firm's attorneys — 24 of whom qualified for the North Carolina Pro Bono Resource Center's pro bono honor society by dedicating at least 50 hours in the past year to pro bono work — handle individual issues such as landlord-tenant disputes, expungements and immigration work for neglected children looking to become United States citizens. It also performs work on a more systemic level, such as employing a 15-person team to successfully challenge North Carolina's redistricting plan. In that case, the North Carolina Supreme Court found that congressional and state legislative maps violated the state's constitution, ordering the maps to be redrawn.



SANDERS

"We were involved in those to protect people's right to vote," said Blaine Sanders, the firm's director of pro bono services and chair of the pro bono committee. "But what I've tried to do is do more in terms of individual cases … focusing on the things the legal services organizations have asked us to focus on. What we're trying to do is help people of limited means."

The firm is poised to log more pro bono hours this year than ever before, Sanders said, something he attributes to the firm being more intentional about serving the underserved and the fact that new associates joining Robinson Bradshaw are eager to volunteer their time and expertise.

"I think people, especially young people, come out of law school, and they're like, 'Lawyers help people,'" Sanders said. "That includes helping more than your billable clients."

Thanks all around

Prendergast-Jones said the need for pro bono work is year-round, though the holidays can make for additional stressors that create more of a need.

"For example, a parent struggling to pay bills and provide for the holidays may take those stressors out on his or her partner, creating a domestic violence or child abuse situation," she said.

But in this season of giving, those who engage in pro bono work are as thankful for the opportunity to serve as those who are being served.

Sanders said that there is nothing wrong with billing clients and making money, but that helping those with limited means is its own reward.

"I say that pro bono lawyers are happier lawyers," Sanders said. "You get something out of it that's different from what you get out of doing complex business work. You get a lot more God-bless-you's from your pro bono clients."

Novinsky, the child of immigrants from Argentina, never had corporate law aspirations, realizing early on that she wanted to go to law school to help those who faced difficulty in accessing the justice system. She always knew and appreciated the sacrifices her parents made so she could earn a good education.

"I consider it a privilege to work with my public interest colleagues as well as all the legal professionals who desire to make the legal system more equitable and accessible to our fellow North Carolinians," Novinsky said.

Prendergast-Jones said that when lawyers sit down with their families this holiday season, they should consider how they can say, "Thank you, pro bono."

"Think about the intangible gifts you can receive while doing pro bono," she said. "Think about the colleagues you can build relationships with while doing pro bono activities. I was fortunate to make great friendships, and I can't help but say, 'Thank you, pro bono.' I hope this inspires you to find your thank you."

Williams, of Robinson Bradshaw, said she encourages all who can give back to others, whether through pro bono work or other charitable measures.

"It makes more of a difference than most can imagine," she said. ◆

"I say that pro bono lawyers are happier lawyers. You get something out of it that's different from what you get out of doing complex business work. You get a lot more God-bless-you's from your pro bono clients."

— Blaine Sanders, Robinson Bradshaw pro bono services director



The iTracs® Advantage

Leverage our expertise for your firm.

TRUST ACCOUNT MANAGEMENT SERVICES

RISK MANAGEMENT = PEACE OF MIND

iTracs helps you manage trust-account-related risk through ongoing account reconciliation, account activity monitoring, and daily reporting. Gain the peace of mind that comes from knowing your trust account is secure.

EXPERT SUPPORT

The ***iTracs*** platform automates daily account reconciliation and includes transaction monitoring, activity alerts, built-in reporting, and Positive Pay options. Professional account managers provide valuable customer support and assistance, lead product implementation, and deliver training. Courteous, knowledgeable, and responsive, they serve as partners in analyzing and managing your trust account.

VALUE-ADDED SERVICES

iTracs services don't stop with the software. Account clean-up, audit preparation, consulting, and other services are available.

CUSTOMIZED SOLUTIONS

We don't believe in "one size fits all." We listen first. Then we develop customized, innovative solutions that meet your ongoing business needs.

TOOLS

Several tools, including Positive Pay options, provide maximum visibility into your trust account activity and alert you to possible fraud in time for you to act.

CLIENT ONBOARDING

iTracs client onboarding and user training are second to none. Training plans, including Positive Pay automation training, are customized to meet your needs. Services are implemented quickly and efficiently.

COMPLIANCE, SIMPLIFIED

Fulfillment of compliance requirements are not easily outsourced – but we can help! ***iTracs*** reinforces best practices and has built-in protocols that assist you with meeting regulatory compliance requirements.

ELECTRONIC VERIFICATION OF RECONCILIATION

No need to wait until month end. With ***iTracs***, your reconciliation status is confirmed daily from wherever you may be, including from your mobile device!

iTracs®
a service of Investors Title

itracs@invtitle.com | 800.326.4842 | myitracs.com

Veteran litigator leads North Carolina State Bar

By Ross Chandler • rchandler@lawyersweekly.com

As Todd Brown leads the 32,000-plus-member North Carolina State Bar, he works with finesse and others at his side.

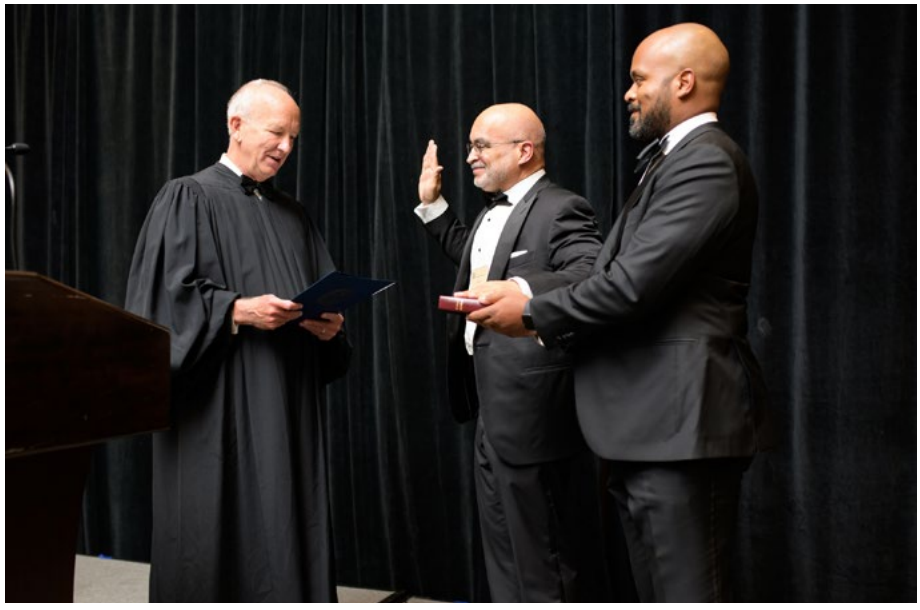
The veteran litigator and longtime partner at Hunton Andrews Kurth's office in Charlotte routinely uses words such as "collaborate," "consensus," "deliberate" and "respectful" to describe how he works as an attorney, law firm member and the bar's newly installed president.



Brown

Taking the lead at the state regulatory agency was a natural step for a man who has long experience with bar organizations. Coming to Raleigh just out of law school in 1986, he became involved with several legal organizations, including the 10th Judicial District Bar, Wake County Bar Association, North Carolina Bar Association and American Bar Association.

Moving to the Hunton's Charlotte office in 1998, he started to work with the Mecklenburg County Bar, rising to become its president in 2010. Bonnie Weyher, then the president of the state bar and a professional acquaintance, was a guest at his swearing-in.



Todd Brown center, is sworn in as president of the N.C. State Bar by state Chief Justice Paul Newby, left. Brown's son Tony holds the Bible used in the ceremony at the organization's annual dinner Oct. 26 in Raleigh. (Brian Mullins Photography)

"Bonnie came up to me and said congratulations, and we made some small talk," Brown recalled. "She said she was president of the state bar and was looking for ways to make it more diverse and inclusive."

Brown demurred when she pitched him to work with the state bar, citing his new responsibilities with the Mecklenburg bar. Weyher was not deterred.

"She said, 'Let me appoint you as an advisory member'" of the North Carolina State Bar Council, Brown said. "I started to get involved in the state bar."

He rose quickly, serving three three-year terms as an elected councilor, then as vice president from 2021-22 and president-elect from 2022 to this year.

"With a little luck, a year from now,

A. TODD BROWN SR. AT A GLANCE

Education: Bachelor of Science in accounting, University of South Carolina, 1982; Juris Doctor, University of South Carolina School of Law, 1986.

Firm affiliated with: Hunton Andrews Kurth; started as an associate at the Raleigh office in fall 1986, promoted to partner in 1994, moved to the Charlotte office in 1998, named Charlotte managing partner 2018; "I'm one of those characters who has been here my entire career."

Civic engagement: United Way of Central Carolinas; general counsel for his church, St. Paul Baptist Church, in Charlotte, since 2016.

First job: General helper at Woods Ferry State Park in Chester County, South Carolina, in the early 1970s. "I remember that very vividly. It was the hardest job I've ever done."

Biggest career challenge: "I have a hard time saying what that challenge is. … I've been able, quite frankly, fortunately, to do most everything I have set out to do."

I'll be the immediate past president," he said.

He laid the foundation for his presidency over many years of legal practice and his previous service to the bar and bar associations. The building blocks include collaboratively working with others at lower levels of leadership, serving for the good of the organization, learning from sponsors and mentors, and closely watching other lawyers and judges.

Then come the personal skills.

"You want to be diplomatic and respectful," he said. "You want to know when to listen and when to talk."

Together, those make a name for a lawyer and point him or her out as a person worthy of election in often competitive races for the bar council.

"You have to have some reason for folks to want to elect you to represent them," Brown said.

VIDEO: See N.C. State Bar President Todd Brown discuss transparency in the lawyer discipline process in a video at nclawyersweekly.com or by scanning this QR code.

Challenges ahead

Leading the state bar is not just an entry on a curriculum vitae. It is heading a regulatory agency that has a large staff of lawyers and other professionals in Raleigh and governs the practice of law statewide.

Among his responsibilities, Brown will guide the bar's 67-member council. Sixty members are lawyers elected from the state's judicial districts, four are its officers (vice president, president-elect, president and immediate past president, each a lawyer) and three are nonlawyers appointed by the governor.

Practicing law full time and leading such a large board single-handedly would be daunting. But Brown made it clear that the system works because of its committee structure and the full-time legal and support staff. Bar subcommittees and task forces start work on projects by gathering information and laying the groundwork. From there, projects advance to standing committees.

"The work of the committees filters up through to the executive committee," Brown explained, before proposals come to the full council for a vote.

The process often moves slowly, sometimes requiring a year for a proposal to be debated and studied before it can advance. But it shows the cooperative nature of the organization.

"We come together. We deliberate. We collaborate," he said. "We talk, and we reach consensus and vote on it."

Surging technology

One area that the state bar is coming to grips with is technology, particularly the rise of artificial intelligence.

"We are currently studying AI and all that it brings and what challenge it brings for the regulation of lawyers," Brown said.

Some of AI's possible roles would be unseen by the public but pose challenges to the way law is practiced. An example he cited is entering client information into ChatGPT, an AI system, to do research for a case. That raises the possibility of breaching client confidentiality.

Allowing unfettered use of AI would require a change in the bar's rules.

"That's one of the active concerns right now," Brown said, adding that the bar is getting input from judges and others on the issue.

At the same time, AI could broaden access to justice, he said, an issue in a state where there are many "legal deserts" with too few lawyers.

The speed at which technology advances creates a ripple effect that confronts the bar, which issues opinions that guide lawyers' actions.

"Given how fast the area is evolving, you can issue an opinion, and it is out of date next week," he said.

Move to North Carolina

Brown's roots run to South Carolina. His hometown is Wilksburg, a small community in Chester County, and he earned his bachelor's in 1982 and his Juris Doctor in 1986, both at the University of South Carolina.

His successes in law school and chance brought him to North Carolina. It started with a law professor's recommendation that he interview with the Raleigh law firm then known as Hunton & Williams, even though Brown already had an offer from Nelson Mullins.

"Coming to Raleigh to interview, expecting that I would have a good visit and that I would go back to South Carolina, … I had the best round of interviews I've ever had," he said.

"After a lot of praying and thinking and decision-making, I chose Hunton. It was the best fit for me."

He started on the litigation team in Raleigh, then moved to Charlotte to help build up the firm's new office there.

Other firms have tried to lure him away, all without success. He also has turned down chances to serve as in-house counsel or to seek a judge's seat.

Why?

"Hunton has allowed me to do all that I want to do at the firm," he said, such as serving on the executive committee and working to develop new associates.

Thirty-seven years at the same large firm might be out of the ordinary, but Brown remains content.

"It's been a good place for me, and it is the place I intend to retire from. I know that's rare," he said. ◆

Evidence unlawfully obtained from crash could still be admissible

By Rasmus S. Jorgensen • rjorgensen@molawyersmedia.com

Evidence that a woman possessed methamphetamine was obtained unlawfully but could still be admissible, the Supreme Court of North Carolina held as it remanded a case testing when police can search vehicles involved in a crash.

The woman, Joanna Kaye Julius, was a passenger in a car that crashed into a ditch in McDowell County. Before the police arrived, the driver fled. Police, investigating the crash as a hit-and-run, searched the car for evidence of the driver's identity and found a bag near the front passenger seat. In the bag, police found scales, two phones and two bags containing methamphetamine.

Julius claimed the bag belonged to the driver, "Kyle," but the police arrested her and then searched her backpack, finding more methamphetamine, a pistol, a glass pipe and $1,785. She was indicted for several drug-related crimes.

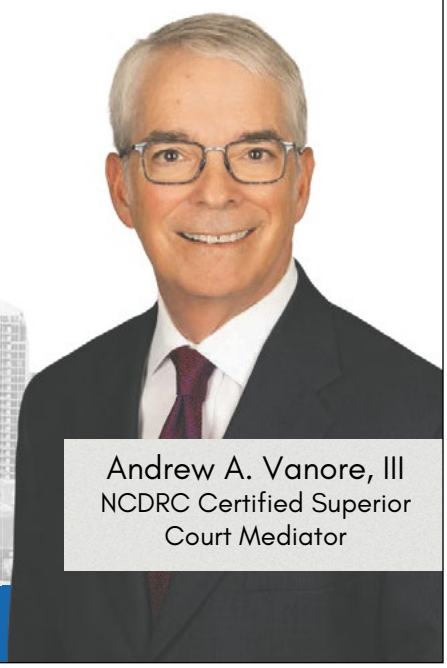
Before trial, Julius moved to suppress the evidence found in the bags, arguing the search violated the Fourth Amendment's protections against unreasonable searches. But Judge Thomas Davis of McDowell County Superior Court concluded that because the driver fled and the police did not know his identity, it was reasonable for police to believe that the car might contain evidence of his identity, the cause of the crash or the reason he fled. The police also had probable cause to arrest the driver on suspicion that he had unserved warrants against him, which witnesses said was the reason he fled. Once the police discovered the contents of the first bag, they had probable cause to arrest Julius and search her backpack.

The motion failed, and Julius was found guilty. The court imposed a 70- to 93-month active sentence

See Page 42

VanoreADR
Mediations/Arbitrations/Appraisals

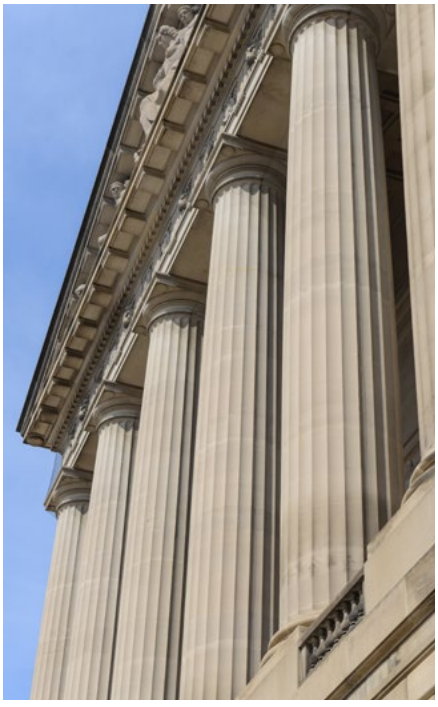
After 38 years representing both plaintiffs and defendants in civil litigation, I decided to retire from Brown, Crump, Vanore & Tierney, PLLC, start VanoreADR, and devote my time to helping parties stay out of the courtroom, through alternate dispute resolution. Areas of specialty include construction defect/ insurance coverage/personal injury/professional malpractice/ wrongful death/workers compensation/first party insurance disputes/appraisals. I am available for both in-person and zoom conferences. Please visit www.vanoreadr.com to view my calendar for availability and to schedule a mediation.



Andrew A. Vanore, III
NCDRC Certified Superior Court Mediator

919-801-6174 dvanore@vanoreadr.com www.vanoreadr.com

To view additional opinion digests, visit www.nclawyersweekly.com



Civil Practice

Bond Forfeiture — Relief From Final Judgment — Extraordinary Circumstances

The trial court erred in granting relief from a final judgment of bond forfeiture because 1st Atlantic Surety Company failed to make a showing of extraordinary circumstances.

Because the record contains no evidence that extraordinary circumstances existed, the order granting Surety's petition for relief from the judgment is reversed.

Durham Public Schools Board of Education appealed from an order granting 1st Atlantic Surety Company's petition for relief from a final judgment of bond forfeiture. The Board argued that the trial court abused its discretion by granting relief because Surety failed to make a showing of extraordinary circumstances as required by statute.

Defendant Yousef Barakat Mohammed was arrested in February 2020 and was released on $5,000 secured bond under bail agent Ashraf M. Mubaslat and Surety's custody. Defendant failed to appear for court, and the trial court issued a bond forfeiture notice on January 14, 2022, with a final judgment date of June 16, 2022. On June 16, 2022, Mubaslat moved to set aside the forfeiture, indicating that "[t]he defendant died before or within the period between the forfeiture and this Motion, as evidenced by the attached copy of the defendant's death certificate." Mubaslat did not attach a death

See Page 12

CAROLINA WHISTLEBLOWER ATTORNEYS

✓Experience

We're led by a former U.S. attorney who helped lead the nation in whistleblower recoveries.

✓Resources

We have the resources to invest in cases and maximize value.

✓Flexibility

You can be as involved in the case as you want to be.

Has your client identified fraud against the government?

Partner with us.



Bill Nettles
Former U.S. Attorney who leads our formidable team.

★★★★★

"Bill Nettles is extremely effective as an advocate for his clients. You will be glad you brought your qui tam case to Carolina Whistleblower Attorneys."

carolinawhistleblower.com • 1-866-533-6743

Continued From Page 11

certificate to the motion, but instead he attached a hand-written note that stated, "Defendant died and we are getting a copy of death certificate."

The Board objected to Mubaslat's motion and moved for sanctions against Surety for failure to provide actual documentation of defendant's death. On July 14, 2022, the court denied Mubaslat's motion to set aside the forfeiture. The court entered a separate order finding grounds for sanctions and ordering Surety to pay $2,500. Surety paid the bond but did not pay the sanctions. On August 26, 2022, the State moved to abate the criminal charges against defendant on the ground that defendant had died on or about February 23, 2022. The court allowed the State's motion and ordered that the case be dismissed.

On August 29, 2022, Mubaslat and Surety filed a petition seeking relief from the final judgment of forfeiture, arguing defendant died before or within the period between the forfeiture and this motion, as evidenced by the attached copy of the defendant's death certificate; moved to set aside knowing defendant had died but was not able to produce documentation; Surety paid bond; and Surety was able to produce the death certificate after the final Judgment date and bond was paid. A photograph of Defendant's death certificate issued by the Cook County Clerk in Chicago, Illinois, was attached to the petition.

In September 2022, Surety withdrew and refiled the petition. At a hearing, Surety's counsel argued that Mubaslat was unable to obtain a copy of defendant's death certificate and had to find defendant's family members to get a copy of his death certificate. However, Mubaslat was not present at the hearing, and no sworn testimony or affidavits were presented to the court.

The court granted Surety relief from the final judgment of forfeiture. The court concluded that a July sanctions order should remain in place, but "[t]he circumstances described by Surety constitute extraordinary circumstances ..., and the Surety is entitled to relief in full from the final judgment of forfeiture."

The Board appealed, arguing the court abused its discretion by granting Surety's petition for relief because Surety presented no evidence of extraordinary circumstances that prevented it from obtaining and furnishing Defendant's death certificate with its initial motion to set aside the judgment.

The record evidence indicates that defendant died, and that Surety did not produce evidence of defendant's death until two months after the bond forfeiture judgment became final. Counsel's arguments were not evidence, and the record is devoid of evidence to support the trial court's finding of "Surety's difficulty in getting the death certificate from Cook County along with efforts to contact the Defendant's family to obtain the same" or any other circumstances "going beyond what is usual, regular, common, or customary ... of, or relating to, or having the nature of an occurrence or risk of a kind other than what ordinary experience or prudence would foresee," Edwards, 172 N.C. App. at 825, 616 S.E.2d at 636. Without such evidence, the trial court's conclusion that extraordinary circumstances existed could not have been the result of a reasoned decision.

Reversed.

State of North Carolina v. Yousef Barakat Mohammed (Lawyers Weekly No. 011-200-23, 7 pp.) (Allegra Collins, J.) Appealed from Durham County District Court (Clayton Jones Jr., J.) Tharrington Smith, LLP, by Stephen G. Rawson and Richard A. Paschal, for Durham Public Schools Board of Education-appellant; The Law Offices of Elston, Donnahoo & Williams, P.C., by Brian D. Elston, for

See Page 14

phelps



Welcome Jonathan Hall

Phelps is pleased to welcome litigator Jonathan Hall to enhance its capabilities in Raleigh and address the needs of sophisticated companies in the Carolinas. With a reputation for minimizing risk and managing litigation spend, Jonathan will lead litigation teams to guide clients through high-profile, complex commercial cases across the U.S.

Kevin O'Brien, Partner
4141 Parklake Ave.
Raleigh, NC
phelps.com

2023 ROSTER

THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

NORTH CAROLINA CHAPTER

www.NCMediators.org

Available Dates Calendars Online for the State's Most Experienced Neutrals

NAME	BASED IN	PHONE	CALENDAR
Hon. Sharon Barrett	Asheville	(828) 768-5124	☐
Sarah V. Corley	Asheville	(828) 232-2800	☑
Michael W. Drye	Asheville	(828) 298-1484	☑
Anne Duvoisin	Blowing Rock	(828) 295-7469	☑
Jennifer S. Brearley	Cary	(704) 533-5025	☑
Frank Laney	Cary	(919) 818-8029	☑
LeAnn Nease Brown	Chapel Hill	(919) 968-1111	☑
Melinda M. Evans	Chapel Hill	(919) 593-5167	☑
Steve Dunn	Charlotte	(888) 305-3553	☑
Wayne P. Huckel	Charlotte	(704) 333-0073	☑
Jason B. James	Charlotte	(704) 227-0124	☑
Raymond E. Owens Jr.	Charlotte	(704) 295-4509	☑
Robert A. Beason	Durham	(919) 419-9979	☑
Donald H. Beskind	Durham	(919) 613-7085	☑
Joseph Chambliss	Durham	(919) 414-1808	☑
Dailey J. Derr	Durham	(919) 419-1265	☑
Rene Stemple Trehy	Durham	(866) 517-0145	☑
Henry W. Gorham	Emerald Isle	(919) 805-5003	☑
T. Alan Pittman	Fayetteville	(910) 486-0992	☑
Richard D. Conner	Greensboro	(336) 691-9222	☑
Thomas C. Duncan	Greensboro	(336) 274-7243	☑
William A. Eagles	Greensboro	(336) 433-9980	☑
Lynn G. Gullick	Greensboro	(336) 686-4336	☑
Jonathan R Harkavy	Greensboro	(336) 370-4200	☐
Harper Heckman	Greensboro-	(336) 387-5181	☐
Robert A. Brinson	High Point	(336) 889-8733	☑
Michael A. Swann	Lexington	(336) 249-7777	☑
Scott C. Hart	New Bern	(252) 633-3131	☑
Ken McCotter Jr.	New Bern	(252) 635-1005	☑
M. Ann Anderson	Pilot Mtn.	(336) 368-9621	☑
Virginia G. Adams	Raleigh	(919) 838-8873	☑

NAME	BASED IN	PHONE	CALENDAR
Collins Barwick	Raleigh	(919) 480-8738	☑
Asa L. Bell Jr.	Raleigh	(919) 755-1068	☑
Richard T. Boyette	Raleigh	(919) 863-8729	☑
Jacqueline R. Clare	Raleigh	(919) 755-9979	☑
Thomas M. Clare	Raleigh	(919) 805 5007	☑
James L. Conner II	Raleigh	(919) 313-4571	☑
Kate Deiter-Maradei	Raleigh	(919) 400-4087	☑
Erin D. Eveson	Raleigh	(919) 412-2741	☑
Paul T. Flick	Raleigh	(919) 809-7346	☑
Patricia L. Holland	Raleigh	(984) 232-8014	☑
Joseph T. Howell	Raleigh	(919) 365-6000	☑
J. Anderson Little	Raleigh	(919) 967-6611	☑
Terry M. Kilbride	Raleigh	(919) 781-4225	☐
Michael E. McDaniel	Raleigh	(919) 610-7043	☑
Robert A. Meynardie	Raleigh	(919) 747-7373	☑
Karen Britt Peeler	Raleigh	(919) 272-7413	☑
James S. Schenck IV	Raleigh	(919) 789-9242	☑
Reagan H. Weaver	Raleigh	(919) 828-0363	☑
Barbara B. Weyher	Raleigh	(919) 835-0900	☑
Scott M. Taylor	Res. Triangle	(919) 949-4227	☐
Marshall A. Gallop Jr.	Rocky Mount	(252) 937-2200	☑
Ralph W. Meekins	Shelby	(704) 487-1234	☐
S. Kent Smith	Southern Pines	(910) 693-3411	☑
Sherman Lee Criner	Wilmington	(910) 251-0004	☑
William A. Blancato	Winston-Salem	(336) 793-4238	☑
Colleen Byers	Winston-Salem	(336) 499-1977	☑
Kenneth P. Carlson Jr.	Winston-Salem	(336) 721-6843	☐
Anderson Cromer	Winston-Salem	(336) 403-8911	☑
William H. Freeman	Winston-Salem	(336) 722-8872	☑
Ellen R. Gelbin	Winston-Salem	(336) 945-0214	☑

Visited by over 1200 unique legal staff monthly, NCMediators.org assisted firms in the scheduling of over 4000 mediations in 2022, for free.

Visit the Academy's free roster of over 1000 of the nation's top litigator-rated neutrals at www.NADN.org

Continued From Page 12

Surety-appellee. North Carolina Court of Appeals

Civil Practice

Proceed by Pseudonym — Abuse of Discretion — Five James Factors

The district court did not abuse its discretion when it denied appellant's motion to proceed as a pseudonymous plaintiff.

Because the district court did not abuse its discretion in doing so, we affirm.

Appellant filed a civil action alleging claims for defamation, abuse of process, tortious interference with contract, intentional infliction of emotional distress, and civil conspiracy against appellee after appellee accused appellant of sexual assault. When appellant filed his complaint, he also filed an ex parte motion to proceed using the pseudonym "John Doe," rather than his real name. The district court denied the motion.

Appellant argued the district court abused its discretion by determining that the five non-exhaustive factors for district court to consider when deciding motions to proceed by pseudonym under *James v. Jacobson* weighed against anonymity, failing to consider irreparable harm to his reputation, and failing to balance his privacy interest in anonymity against the public's interest in open judicial proceedings.

The five *James* factors are: (1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent nonparties; (3) the ages of the persons whose privacy interests are sought to be protected; (4) whether the action is against a governmental or private party; and, relatedly, (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

While the district court held that the first factor favored allowing appellant to proceed by pseudonym, appellant took issue with the fact that the district court made no express determination as to the weight of this finding. However, we have only required that district courts consider the *James* factors, and we have not prescribed any particular weight to any individual factor.

As to the second factor, risk of harm, the district court determined that appellant failed to produce evidence to support more than a mere general fear of retaliation or mere embarrassment, noting that there did not appear to be any "aggravating factors" such as media exposure that would endanger appellant if his identity was known. Therefore, the court found that this factor was neutral in its analysis. We found no abuse of discretion in the district court's decision to look for additional evidence or aggravating factors to corroborate appellant's claim.

The district court also thoroughly considered all the factors and the arguments made by appellant and determined, consistent with the weight of authority, that suing only a private individual weighs against anonymity. We did not find any abuse of discretion in that conclusion.

Finally, we failed to see how appellant can clear his name through this lawsuit without identifying himself. If appellant were successful in proving defamation, his use of a pseudonym would prevent him from having an order that publicly "clears" him.

Affirmed.

Doe v. Doe (Lawyers Weekly No. 001-100-23, 22 pp.) (Stephanie D. Thacker, J.) Appealed from U.S. District Court for the Easter District of North Carolina, at Raleigh (James C. Dever III, J.) Argued: Kara L. Gorycki, Nesenoff & Miltenberg, LLP, New York, New York, for appellant; Kelly Margolis Dagger, Ellis & Winters LLP, Raleigh, North Carolina, for appellee; On Brief: Andrew T. Miltenberg, Nesenoff & Miltenberg, LLP, New York, New York, for appellant; James M. Weiss, Ellis & Winters LLP, Raleigh, North Carolina, for appellee; Eugene Volokh, First Amendment Amicus Brief Clinic, UCLA School of Law, Los Angeles, California, for amici curiae. 4th Circuit Court of Appeals

Civil Practice

Motion to Dismiss — Improper Venue — "Last Act" — Forum Selection Clause

The trial court should have allowed defendants' motion to dismiss for improper venue, since the "last act" was committed in Delaware, as opposed to North Carolina.

The trial court's order is reversed.

Plaintiff Craig Clapper entered into an employment agreement with defendant Press Ganey Associates LLC in 2015. Press Ganey, an Indiana LLC that is licensed to business in North Carolina, was in the process of entering into a Membership Interest Purchase Agreement between Press Ganey, Healthcare Performance Improvement, LLC, and the owners/members of HPI. Clapper was a member of HPI, and was the sole employee of Craig Clapper LLC, an Arizona limited liability company.

The exclusive Employment Agreement between Clapper and Press Ganey specified Clapper would perform "consulting services on behalf of HPI" and would have "executive-level duties, responsibilities, expectations, and authority." The Employment Agreement specified a three-year term ending in August 2018, but was automatically extended for an additional one-year term, unless either party gave 60 days prior written notice to terminate. Clapper and Press Ganey also agreed to bring "any disputes or controversies arising out of or relating to th[e] [Employment] Agreement" in Delaware and to submit to "the exclusive jurisdiction of federal and state courts" in Delaware in the Employment Agreement.

Defendant Azalea Parent Holdings LP, a Delaware limited partnership with a principal place of business located in California, sought to amend its Initial Agreement to admit additional limited partners, including Clapper. Azalea executed an Amended and Restated Limited Partnership Agreement, which

provided a jury trial waiver and provisions specifying choice of law, venue, and submission to the jurisdiction of Delaware. Clapper signed the agreement in July 2019 while purportedly residing in North Carolina. Many other limited partners also signed the Azalea LP Agreement. Azalea's general partner signed the letter in July 2021 while in Delaware.

The parties executed termination agreement in December 2020, which provided Clapper would receive 14,500 Class B Units in September 2021, contained the Delaware choice of law and forum selection clauses, and referenced the original Employment Agreement between Press Ganey and Clapper.

Clapper sued defendants in the Iredell County Superior Court in 2022, asserting claims for breach of contract, breach of the covenant of good faith and fair dealing, fraud, and violation of the North Carolina Wage and Hour Act.

Defendants moved to dismiss Clapper's claims pursuant to Rule 12(b)(3), Rule 12(b)(6), and Rule 9 of the North Carolina Rules of Civil Procedure, asserting they were brought in the improper venue; dismissal was warranted because they arose under North Carolina law, which was violated the Delaware choice of law provisions in the contracts; and the fraud claim failed to contain the allegations in the requisite particularity, as required per Rule 9. Defendants also moved to strike Clapper's jury demand pursuant to Rules 12(g) and (f).

Among other things, the trial court denied defendants' motions regarding Rules 12(b)(3) and 12(b)(6) and defendants appealed, arguing the trial court improperly denied their Rule 12(b)(3) motion to dismiss for improper venue.

Here, the "last act" was committed in Delaware when Azalea's general partners signed the Azalea LP Agreement. Although Clapper signed the agreement while residing in North Carolina, Azalea's general partner did not sign the agreement until July 2021 while located in Delaware. The Azalea LP Agreement provided a jury trial waiver and provisions specifying choice of law, venue, and submission to the jurisdiction of Delaware.

The trial court should have allowed defendants' Rule 12(b)(3) motion to dismiss for improper venue.

Reversed and remanded.

Clapper v. Press Ganey Associates LLC (Lawyers Weekly No. 011-202-23, 13 pp.) (John Tyson, J.) Appealed from Iredell County Superior Court (David L. Hall, J.) Blanco Tackabery & Matamoros, PA, by Peter J. Juran, and Chad A. Archer, for the plaintiff-appellee; Littler Mendelson, P.C., by Stephen D. Dellinger, and Elizabeth H. Pratt, for the defendants-appellants. North Carolina Court of Appeals

Criminal Practice

Probation Violation — Probation Extension — Good Cause — Active Sentence — Condition of Special Probation

The trial court erred by extending defendant's probation after his probationary term had expired, absent a specific finding of good cause. Furthermore, the court erred by ordering defendant to serve an active term as a condition of special probation.

Accordingly, we vacate the order and remand the case to the trial court to determine whether good cause exists to extend defendant's probation beyond the expiration of his probationary term.

Defendant Quentin Jackson appealed from the trial court's order finding that he had willfully violated the conditions of his probation, extending his probation by 12 months, and ordering him to serve a 45-day active term as a condition of special probation. Defendant argued the court erred by extending his probation after his probationary term had expired and by ordering him to serve an active term.

Defendant, a town council member, was at a Hertford Town Council meeting on 1 October 2018. At the end of the meeting, defendant struck another council member in the side of the face following a verbal altercation. Defendant was charged with assault of a government official and entered an Alford plea to simple assault. The court sentenced defendant to 60 days of imprisonment, suspended for 24 months of supervised probation. As a condition of special probation, defendant was required to serve an active term of 15 days. Upon release, defendant was required to abide by a curfew from 7 p.m. to 6 a.m., except to attend town council meetings.

Defendant's probation officer alleged that defendant had violated his curfew and left the county without prior approval. A probation violation hearing was ultimately held in February 2022, and the trial court entered an order in March 2022 finding that defendant had willfully violated the conditions of his probation. The trial court extended defendant's probation by 12 months and ordered him to serve an active term of 45 days as a condition of special probation.

On appeal, defendant argued that the court erred by extending his probation after his probationary term had expired absent a specific finding of good cause.

Defendant's probationary term expired on December 16, 2021. A probation violation hearing was held on February 24, 2022, over two months after defendant's probationary term had expired. The court's order extending defendant's probation contains no finding of good cause to do so. Therefore, the court erred by extending defendant's probation by 12 months after his probationary term had expired without making a specific finding that good cause exists to extend his probation.

We are unable to say from our review of the record that no evidence exists that would allow the court on remand to make a finding of good cause under subsection (f)(3). Accordingly, we vacate the order and remand the case to the trial court to determine whether good cause exists to extend defendant's probation despite the expiration of his probationary term and, if so, to make a finding in conformity with N.C. Gen. Stat. § 15A-1344(f)(3).

Defendant also argued that the court

See Page 16

Continued From Page 15

erred by ordering him to serve an active term of 45 days as a condition of special probation because "the maximum sentence of imprisonment for the convicted offense was 60 days" and "it results in imprisonment two years past conviction[.]" The court sentenced defendant to 60 days of imprisonment, suspended for 24 months of supervised probation. Therefore, under section 15A-1351(a), the maximum period of confinement that could have been imposed as a condition of special probation was 15 days. In the original judgment entered December 16, 2019, the court ordered defendant to serve an active term of 15 days as a condition of special probation. By its probation violation order entered March 14, 2022, the court ordered defendant to serve an additional active term of 45 days as a condition of special probation. Therefore, the total period of confinement as a condition of special probation was 60 days, a duration in excess of the maximum period of confinement allowed by N.C. Gen. Stat. § 15A-1351(a).

Further, defendant pleaded guilty to simple assault on December 16, 2019. Defendant's probationary term expired on December 16, 2021. Therefore, under section 15A-1351(a), the deadline for defendant to serve an active term as a condition of special probation was December 16, 2021. By its probation violation order entered March 14, 2022, defendant was ordered to serve an additional active term of 45 days as a condition of special probation, which was after his probation had expired and more than two years after his conviction. Accordingly, the court erred by ordering defendant to serve an active term of 45 days as a condition of special probation.

Vacated and remanded.

State of North Carolina v. Quentin Jackson (Lawyers Weekly No. 011-198-23, 8 pp.) (Allegra Collins, J.) Appealed from Perquimans County Superior Court (Jerry Tillett, J.) Attorney General Joshua H. Stein, by Assistant Attorney General Carolyn McLain, for the State-appellee; Hynson Law, PLLC, by Warren D. Hynson, for defendant-appellant. North Carolina Court of Appeals

Labor & Employment

Unpaid Wages — Compensatory and Punitive Damages — Oral Agreement — At-Will Employment

Given the parties' disputes and the uncertain status of the alleged oral contract, it would be premature to dismiss the alternative claims for unjust enrichment and quantum meruit.

All claims asserted against individual defendants are dismissed with prejudice, funeral home's motion for summary judgment as to breach of contract claim is granted in part, and defendants' motion for summary judgment is denied in all other respects.

Plaintiff sued his former employer, defendant Davis Funeral Service, Inc., and its officers, seeking to recover unpaid wages as well as compensatory and punitive damages for alleged defamation. Plaintiff joined Davis Funeral Service in 2018 at the request of his cousin, Vann, who was the president and sole shareholder at that time. In 2020, Vann died, and company ownership passed to his estate. The original administrator of the estate elevated Davis to replace Vann as president, but a year later, a new administrator sacked plaintiff and named the individual defendants as officers.

Plaintiff pointed to an oral employment agreement that he and Vann allegedly negotiated. The terms of that agreement were hazy, as plaintiff did not say how much he was to be paid but alleged that he was given the title "Vice President," that he was an at-will employee, and that his duties included managing the funeral home and training to become a licensed funeral director. Plaintiff also alleged that Davis Funeral Service paid him just a small fraction of the wages that he earned from 2018 until the COVID-19 pandemic began in early 2020 and that it did not pay him at all from the beginning of the pandemic through Vann's death. Based on these allegations, Davis sought to recover "wages unpaid" or, alternatively, "the reasonable value of services rendered." He asserted claims for breach of contract, breach of the implied covenant of good faith and fair dealing, quantum meruit, and unjust enrichment. Plaintiff also claimed he was defamed after his departure.

We granted summary judgment to two of the individual defendants, as the complaint did not allege they committed any wrongful acts. Further, an officer of a corporation is not liable for the corporation's acts "merely by virtue of his office."

We granted partial summary judgment as to the claim for breach of contract to the extent that it was based on the failure to pay wages that became due before March 2019, as plaintiff offered no argument to show that his claim to recover wages that became due before that time was timely.

However, we denied Davis Funeral Service's motion for summary judgment as to plaintiff's claims for unjust enrichment and quantum meruit. Although Davis Funeral Service purported to concede that an express contract existed, it disputed plaintiff's description of the terms of that contract and has not articulated its own position on what the terms were. Given these disputes and the uncertain status of the alleged oral contract, it would be premature to dismiss the alternative claims for unjust enrichment and quantum meruit.

Granted in part and denied in part.

Davis v. Davis Funeral Service Inc. (Lawyers Weekly No. 020-173-23, 8 pp.) (Adam M. Conrad, J.) 2023 NCBC 73. Brown & Associates, PLLC, by Donald Mitchell Brown, for plaintiff Weston Davis; Burns, Gray & Gray, by John T. Burns and Christopher A. Gray, for defendants Davis Funeral Service, Inc., Robert L. Morgan, III, Phillip Tillman, and Robin H. Morgan, Davis v. Davis Funeral Serv., Inc., Villmer Caudill, PLLC, by Bo Caudill, for third-party defendant Deidre Tedder. North Carolina Business Court

UNSUNG HEROES

INSIDE: Celebrating the behind-the-scenes champions at North Carolina law firms



CONTENTS

AMBER CALING 18
SHANNON DeGENNARO 18
HEATHER DIAZ 18
CLINT GANDY 19
WENDY KREPPS 19
DORA KRIPAPURI 19
DEBORAH LASSITER 19
GREG STRICKLAND 20
EMILY STRINGFELLOW 20
REBELLA "SISSY" WALLACE 20

AMBER CALING

PARALEGAL
PARKER BRYAN BRITT TANNER & JENKINS
RALEIGH, N.C.



Amber Caling began her career at 19 in a family law office and says it changed her life.

"I loved the fast pace and excitement each day brought," she says. "There was always something new to learn and do each day."

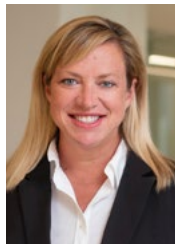
As a bonus, Caling discovered her career fed her love for helping others, especially during a difficult time in their lives.

Caling is a paralegal in the Raleigh law firm of Parker Bryan Britt Tanner & Jenkins, where she supports two busy attorneys, Brent Tanner and Kaitlin Kober, and wears many hats. She is known as a knowledgeable source of information and for her skills in drafting documents and strategic planning for cases. She is popular with clients, too.

"I believe I have evolved so much working with Brent and Kaitlin," she says. "I have never been treated as just their paralegal; instead, they have treated me like family, and I believe we are a great team."

SHANNON DeGENNARO

RECRUITING AND PROFESSIONAL DEVELOPMENT DIRECTOR
BROOKS PIERCE
RALEIGH, N.C.



As a former practicing lawyer and law school career services dean, Shannon DeGennaro understands firsthand the challenges and rewards of a career in the legal profession.

"My current role in professional development and recruitment at Brooks Pierce allows me to capitalize on my past experiences and quickly and successfully foster strong relationships with my colleagues," she says.

DeGennaro is known for her passion for nurturing talent and fostering professional development.

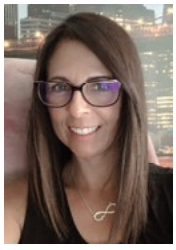
"I enjoy the unique opportunity to meet, mentor and help attorneys navigate their professional life cycle from law student to associate to partner," she says.

She also appreciates her workplace for its supportive environment.

"Being part of an organization that values and supports its staff and their families allows me to grow and thrive both personally and professionally," she says.

HEATHER DIAZ

LEGAL ASSISTANT
CRANFILL SUMNER
CHARLOTTE, N.C.



Even at a young age, Heather Diaz recognized the importance of being heard, and that influenced her career aspirations.

"Not many people have the voice to defend themselves, and it's important that they receive the support they need," she says.

Diaz is a highly regarded legal assistant at Cranfill Sumner, where she is known for rolling up her sleeves and going above and beyond the call of duty to care for clients and get the job done.

"My favorite aspect of work is providing support to help our clients receive the best outcome and seeing the impact of my work when they do achieve that final outcome," she says.

Recently, Diaz took on a heavier load when she was tasked with managing the practice of one of the busier attorneys in the firm who was out of maternity leave.

But it was all in a day's work for Diaz, who demonstrated her willingness to support the firm, the attorneys and to keep cases moving forward.

NC LAWYERS WEEKLY
NC UNSUNG LEGAL HEROES

CLINT GANDY
Senior Information Technology Manager, Operations & Compliance

A Certified Informaton Security Manager®
impacting positive business outcomes
for the firm's 400+ attorneys
and professionals.



Moore & Van Allen congratulates Clint Gandy on being recognized as a NC Unsung Legal Hero.

Moore&VanAllen
mvalaw.com

LITIGATION REAL ESTATE CORPORATE FINANCIAL SERVICES INTELLECTUAL PROPERTY
PUBLIC AFFAIRS GLOBAL SERVICES WEALTH TRANSFER RESTRUCTURING

CLINT GANDY

SENIOR IT MANAGER, OPERATIONS AND COMPLIANCE
MOORE & VAN ALLEN
CHARLOTTE, N.C.



A U.S. Navy veteran, Clint Gandy joined Moore & Van Allen 25 years ago as a data systems technician. He grew with the firm and expanded his skills alongside the information age. Today, he oversees IT operations and works to align Moore & Van Allen's information security program with industry standards and client expectations.

For Gandy, family comes first. He enjoys spending his time away from the office with his wife and two adult children.

"When I joined Moore & Van Allen in 1998, I was simply thankful to be able to support my family," he says. "Over the years, that job turned into a career, as MVA provided opportunities for learning, growth and advancement."

Gandy enjoys applying his problem-solving skills to his work, and he loves helping and empowering his team members to do the same.

"I'm proud of what we've accomplished together at MVA, and I look forward to continuing to contribute to the firm's success," he says.

WENDY KREPPS

PARALEGAL
LAW OFFICE OF KATHLEEN SHANNON GLANCY
WILMINGTON, N.C.



In high school, Wendy Krepps had neither a career path nor an idea of what she wanted to do with her life professionally. But a teacher steered her toward the Cape Fear Community College paralegal program, and she never looked back.

Krepps got her foot in the door as an intern with the Law Office of Kathleen Shannon Glancy and has worked there as a paralegal for 35 years. She is an integral part of the Social Security disability team and is known for her patience and persistence when it comes to helping clients in need.

For Krepps, it's all about perspective. She enjoys helping people in need obtain their disability benefits.

"Clients who are applying for disability benefits are no longer able to work or do the things they are accustomed to and are often at a low point in their lives," she said. "It feels good to help them through the process and provide them with a means to support themselves."

DORA KRIPAPURI

LEGAL RECRUITMENT & DEVELOPMENT DIRECTOR
CRANFILL SUMNER
RALEIGH, N.C.



As director of legal recruitment and development at Cranfill Sumner, Dora Kripapuri parlays her 20-year career into a role that allows her to shape the legal professionals of the future.

"It's not easy to develop a career that is meaningful, helpful and successful, and I get to accompany attorneys for a small part of their path," she says. "I am amazed at how they handle their journey, and I am proud when they thrive."

Kripapuri's earlier career as a lawyer and professor positions her to lead recruitment, hiring and training at the firm. She is known for using her skills to make connections with job candidates and to find strategic fits that make a difference to the firm and the lawyers.

"We have refined our mentor program, created a career development track, and devoted time and energy to women's initiatives and diversity," she said. "It moves us toward a brighter future for the individuals, the firm, and positively impacts our clients and the world, too."

DEBORAH LASSITER

REAL ESTATE PARALEGAL
PRITCHETT & BURCH
WINDSOR, N.C.

Deborah Lassiter is known for going above and beyond the call of duty every day.

The attorneys at Pritchett & Burch hired her in 1986 to perform title searches, and she has been at the firm ever since. Today, she is a real estate paralegal there.

She is always the first to step up when someone needs something filed at the clerk of court's office, wants to pay a fee, or help in other ways. She also has adapted in many ways over the years, as technology and filing systems have changed. She has learned the ins and outs of the register of deeds and clerk of courts offices in her area.

Lassiter is considered an irreplaceable employee at Pritchett & Burch, and when the day comes that she decides to retire, she'll take a great deal of knowledge and skill with her.

Pritchett & Burch represents clients in northeastern North Carolina and Virginia. The firm's focus includes real estate, traffic violations, criminal defense, personal injury, family law, estate planning, and construction law.

GREG STRICKLAND
FIRM ADMINISTRATOR
RAGSDALE LIGGETT
RALEIGH, N.C.



Across Greg Strickland's 25-year career as firm administrator at Ragsdale Liggett, he has embraced his extensive workload to accommodate a vibrant and growing law firm.

Joining a law firm wasn't part of Strickland's early career aspirations, but he thought he could make a difference when he applied for the job.

"Having previous experience in customer service and within my own entrepreneurial spirit, I sensed a philosophy at the firm I have always adhered to," he says. "And that is to, 'Give clients fair value, and they will keep coming back, and business will grow.'"

He knew he could be successful in a firm like Ragsdale Liggett, and he saw how he could apply his math degree to the duties required in his role.

"I'm happy when I can help solve problems, knowing the impact I can make in a fast-paced environment," he says. "I am most proud of being a part of the continuous improvement and long-term success for the firm and our clients."

EMILY STRINGFELLOW
PARALEGAL
JOHNSON & GRONINGER
CHARLOTTE, N.C.



At Johnson & Groninger, Emily Stringfellow is known as the hero of the office, a paralegal who stops at nothing to get any job done, and she does it with a smile.

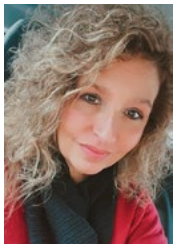
Her analytical skills, love of problem-solving and desire to help people led her to pursue a career in law.

"I have witnessed how a lack of understanding of an individual's legal rights can affect them, and I wanted to make sure others do not end up in that situation," she says.

Stringfellow loves the variety that comes with her job every day, and that offers her an opportunity to learn from new situations she encounters or issues she tackles. Her hard work has paid off.

"I am proud of my ability to persevere and learn whatever it takes to get the job done," she says. "I didn't have any prior experience working at a law firm, but I have been able to succeed at the job and handle challenging cases."

REBELLA "SISSY" WALLACE
OFFICE ADMINISTRATOR AND BOOKKEEPER
HYLER & AGAN
ASHEVILLE, N.C.



Sissy Wallace has always enjoyed working with the public and feels accomplished when she can help others in their times of need.

"In my job at our law firm, these two duties go hand in hand," she says.

As office manager, receptionist and bookkeeper at the Asheville law firm of Hyler & Agan, Wallace wears several hats. Over the 11 years she has been with the firm, she has combined her office administration duties with preparing and filing legal documents. She also has coordinated focus groups for mock trials, performed verification of documents as a notary public and enjoyed developing client relations.

"My favorite aspect of this job is the satisfaction I feel after a client's matter is finally resolved, and when I see the stress they have carried disappear as they leave our office with a smile on their face," she says.

She is most proud of the four children she has raised and enjoys spending time with them and with her granddaughter.



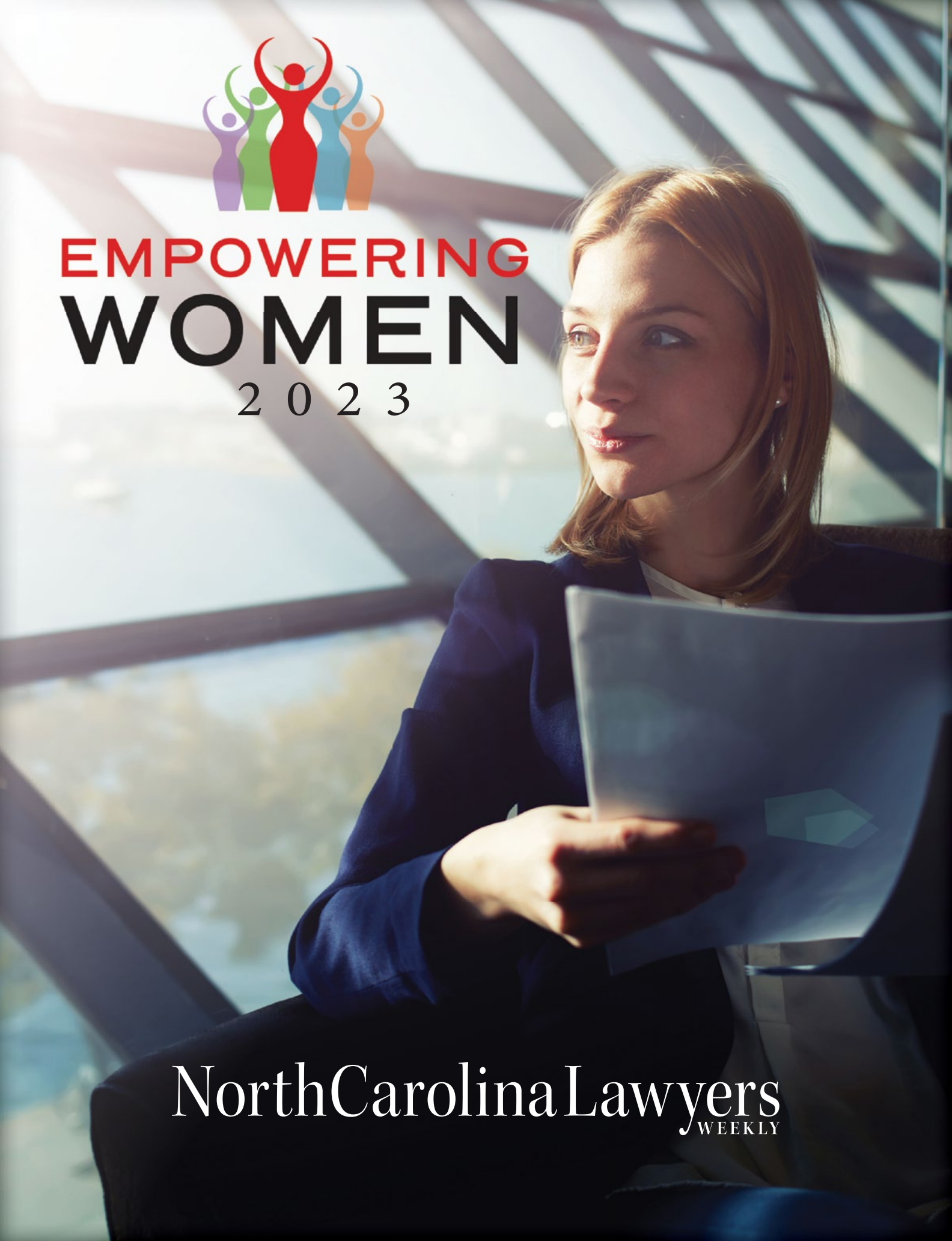
Leaders at Big-Name Firms Know Group Subscriptions Keep Staff Engaged.

Show your commitment to their success with full-firm access to award-winning legal news, court opinion digests and bonus online features. Without subscriptions, your team is missing out on our most powerful information.

- **Encourage engagement at all levels with unfettered website access for everyone in your office including access to articles in the daily legal news email**
- **Enjoy efficient management of the program with consolidated invoices and a personal account manager**
- **Support research needs with optional print editions, our searchable article archives and court opinion digest archives**
- **Choose between IP authentication, traditional logins or a blend of both**

Request more information today!
https://bit.ly/LegalNewsNCLW

NorthCarolinaLawyers WEEKLY



EMPOWERING WOMEN 2023

North Carolina Lawyers Weekly

Letter From the Editor



Dear readers,

Welcome to North Carolina Lawyers Weekly's inaugural Empowering Women list. This new program is designed to recognize law firms that have shown strong commitment to supporting and elevating female attorneys.

The firms featured in this section range from large general service firms to smaller boutique practices. All have demonstrated a commitment to hiring and promoting women, providing mentoring and opportunities for their professional advancement, and establishing programs and policies to help them thrive in their practice.

This isn't the last word on firms that are empowering female leaders. Please let me know who you think should be honored on the 2024 list. And, as always, thank you for reading.

Ross Chandler.
Editor
North Carolina Lawyers Weekly

Empowering Women 2023

Camino Law 23
Cranfill Sumner 23
Edwards Beightol 24
Howard, Stallings, From Atkins, Angell & Davis 24
Kilpatrick Townsend & Stockton 24
Moore & Van Allen 24
Robinson Bradshaw 25
Smith Anderson 25

NorthCarolinaLawyers WEEKLY

is honored to recognize its inaugural class in

EMPOWERING WOMEN

CAMINO LAW

Greensboro

Abigail C. Seymour describes herself as mom, daughter, sister, aunt, granddaughter and caregiver. She also is an attorney who launched Camino Law in 2019 after winding down her first career as a writer and photographer.

After enrolling in law school at the age of 47 with two young children, Seymour took the bar exam while recovering from breast cancer treatment. She has built a workplace that focuses on self-care, work-life balance and mental health.

Staffed entirely by women, with four of the seven of attorneys fluent in Spanish, Camino Law represents clients in family law matters and has recently expanded into immigration. The firm also serves the LGBTQIA+ community through a board-certified family law specialist who handles surrogacy and pre-birth orders for same sex couples.

Camino Law also empowers clients by providing wraparound care and resources to women and families going through the crisis.

CRANFILL SUMNER

Raleigh

Cranfill Sumner has long actively promoted women. In 2013, the firm launched its Women's Initiative to empower female attorneys to discuss and act on issues that are important to them. The Women's Initiative has created a community among the women who work at the firm.

The initiative also serves to establish a stronger firm culture that promotes women in the workplace and attracts and retains top female talent. It also innovates the way the firm does business.

Female attorneys at Cranfill Sumner are encouraged to seek leadership roles inside and outside the firm and are invited to serve as mentors to identify new female leaders and cultivate their skills as their careers grow.

At Cranfill Sumner, women comprise 69% of the firm's employees. Twelve are partners and represent 28% of the firm's total partners. In addition, six of the firm's eight department chairs are women, and seven women chair practice groups.

HOWARD, STALLINGS, FROM, ATKINS, ANGELL & DAVIS, P.A.
ATTORNEYS AT LAW

Empowering Excellence

Elevating Women Attorneys in the Legal Landscape

Beth Atkins | Kathleen B. Coyle
Brooke Dalrymple | B. Joan Davis
Linda B. Malone | Rebecca H. Ugolick
Marianna Baggett | Sheri Dickson
Allison Pickle | Emily Rine
Brooke Webber

EDWARDS BEIGHTOL

Raleigh

Founded by Cate E. Edwards and Kristen L. Beightol in 2021, the Raleigh personal injury firm of Edwards Beightol is known for its caring attitude and thorough attention to detail when helping clients.

As a women-owned business, the firm is fundamentally dedicated to elevating women in the legal profession and representing women who need legal services.

Four of the firm's six attorneys and 10 of 11 staff members are women. They focus a significant portion of their practice on representing women who have been discriminated against or sexually harassed or assaulted. The firm's attorneys also volunteer at Interact, a nonprofit organization that supports women who are survivors of domestic abuse.

Committed to paving the way for young women to succeed as lawyers, Beightol has mentored a female law student each year since 2017 through the Campbell Law Connections Mentorship Program.

HOWARD, STALLINGS, FROM, ATKINS, ANGELL & DAVIS

RALEIGH

From the day the firm appointed its first two female shareholders in 1990, Howard, Stallings, From, Atkins, Angell & Davis has continued to increase its pool of women at the associate and ownership levels.

This year, the 40-year-old law firm reached a milestone. A majority of its attorneys — 11 out of 18 — are women, and half are shareholders. Reflecting ongoing progress, the name of the firm was expanded in 2014 to include Beth B. Atkins and B. Joan Davis, two female shareholders who had the most longevity with the firm.

Women also are included on the firm's three-person executive committee.

The firm consistently strives to support its female attorneys and staff members through formal policies which include generous maternity (and paternity) leave and by encouraging women to take on leadership roles within the firm and in the community.

KILPATRICK TOWNSEND & STOCKTON

Raleigh

Kilpatrick Townsend celebrates diversity and inclusion as an important part of its key value system and has maintained those values for decades. Today, 42% of the executive committee are women.

The firm creates and maintains a variety of resource groups to support professionals from underrepresented backgrounds. One of them is the KT Women's Initiative Network, a forum to brainstorm ways Kilpatrick Townsend can help women make space for all aspects of their lives while practicing law at a top-tier firm.

One initiative is a reduced-hours policy for new parents, which does not affect an attorney's progress toward partnership. The firm also offers flexible schedules to help female attorneys balance their careers with the responsibilities of their personal lives.

Overall, Kilpatrick Stockton strives to maintain a workplace where all attorneys are empowered to succeed on their merits.

MOORE & VAN ALLEN

Charlotte

Dedicated to fostering a culture of diversity, belonging and inclusion, Moore & Van Allen has created its suite of business resource groups, not least among them the Women of Moore & Van Allen.

The resource groups are employee-led teams that help shape the firm's mission to ensure employees are heard. WoMVA brings together female professionals for mentoring, networking and career development.

Currently, 29 female attorneys at Moore Van Allen hold leadership roles.

In 2018 WoMVA established an advocate program, a peer-to-peer mentoring initiative that offers encouragement to women before, during and after their parental leave.

In May 2022, the firm launched its WoMVA Conference series. The half-day conferences feature remarks from firm leaders and panels focused on best practices and building a successful legal practice at various career stages.

ROBINSON BRADSHAW

Charlotte

Committed to promoting women at the firm and in the community, Robinson Bradshaw tips the scales in the right direction.

Women are on the rise at the Charlotte-based firm, where seven out of nine director-level positions are held by women. The firm's incoming 2023 new associate class is 42% women.

The Robinson Bradshaw Women's Initiative creates and supports opportunities for female attorneys to participate in mentorship and relationship-building and helps guide them along their career path.

In 2021, the firm helped spearhead the creation of the Charlotte Legal Initiative to Mobilize Businesses (CLIMB). The program provides pro bono business law services to low-income entrepreneurs and small businesses in the Charlotte area, focusing on businesses whose ownership consists primarily of women, people of color, members of the LGBTQ+ community, veterans and people with disabilities.

SMITH ANDERSON

Raleigh

Across its 111-year history, Smith Anderson has made strides with women in leadership, cementing the firm's reputation for empowering them to be a force in the boardroom, the courtroom and the community.

Smith Anderson has implemented policies and initiatives that promote equal opportunities for professional growth and advancement, ensuring that women play key roles. This commitment is reflected in the firm's leadership, where women are represented in all critical decision-making positions.

More than 30% of Smith Anderson's lawyers and elected management committee members are women, All of the firm's chief officers are women. Women also co-chair the associate, lawyer development and D&I committees, and half of the recruiting committee is comprised of women.

Smith Anderson works to make contributions that advance women within the firm and the legal profession.

EMPOWERING WOMEN 2023 LAW FIRM

Nationally recognized, culturally inclusive, and community-spirited, Moore & Van Allen understands that success for our clients comes from investing in the strength of ideas and the power of collaboration.

Moore & Van Allen is proud to be selected by NC Lawyers Weekly as a law firm committed to supporting and elevating women in the legal industry.



beyond traditional legal services

Moore&VanAllen
mvalaw.com

LITIGATION REAL ESTATE CORPORATE FINANCIAL SERVICES INTELLECTUAL PROPERTY PUBLIC AFFAIRS GLOBAL SERVICES WEALTH TRANSFER RESTRUCTURING

THE POWERLIST

REAL ESTATE

THE POWER LIST

RICHARD J. ARCHIE 27

ANTHONY BARWICK 27

SUSAN R. BENOIT 27

NACHAEL BRIGHT 27

ELIZABETH L.M. CRAMER 28

MARGARET H. CROMER 28

LAURIE B. GENGO 28

WILLIAM N. HARRIS 29

THOMAS R. HOLT 29

DAVID A. IACUZIO 30

JEREMIAH JACKSON 30

TODD A. JONES 30

BENJAMIN KUHN 30

JOHN LIVINGSTON 31

DAVID G. MARTIN 31

W. BROCK MITCHELL 31

DELEON PARKER JR 31

KATIE SCHWARTING 32

JENNIFER SCOTT 32

LAURIE STEGALL 32

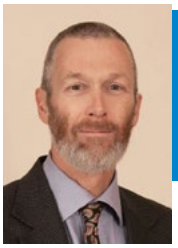
LINDSAY PARRIS THOMPSON 32

NIKHIL VYAS 33

J. MATTHEW WATERS 33

JOSHUA WHITAKER 33

ANDREA WOOD 33



RICHARD J. "DICK" ARCHIE

ATTORNEY
WHITE & ALLEN
KINSTON, N.C.

A Tar Heel born and bred, Dick Archie is a native of Chapel Hill and received his bachelor's degree and law degree from UNC. He has practiced law since 1991.

Today, Archie is an attorney at White & Allen in Kinston, where he focuses his practice on business and residential and commercial real estate. Active in the legal profession and his community, Archie is vice president of the Real Estate Lawyers Association of North Carolina and provides legal services to people in need through Downtown Kinston Legal Aid.

He is a past chair of the Real Property Section of the N.C. Bar Association. He also chairs the Caswell Center Foundation, established in 1999 to enhance the quality of life for persons at Caswell Developmental Center and in eastern North Carolina with intellectual and developmental disabilities.

White & Allen represents sellers, buyers, lenders, major residential relocation companies, developers, title insurance companies and commercial and industrial borrowers.



ANTHONY BARWICK

PARTNER
BROOKS PIERCE
RALEIGH, N.C.

Tony Barwick, a partner at Brooks Pierce in Raleigh, focuses on commercial real estate transactions.

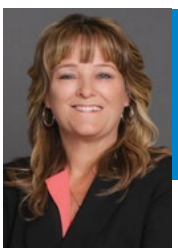
On the firm's website, he writes that he approaches practicing law the way he played sports, inspired by teamwork and collaboration and with a willingness to build consensus.

"Practicing law frequently ends in intangible results," he writes. "But it's the moments of tangible success that I especially enjoy, whether that is seeing a new business created or another business sold after years of investment, planning and execution."

He considers among his top accomplishments his long-standing client relationships and professional relationships in the legal community and within his firm.

"I work with a great team of transactional and commercial real estate lawyers and other professionals that has steadily grown in size and experience levels," he says.

He credits his success to the client loyalty he has cultivated over his 20 years of practicing law.



SUSAN R. BENOIT

PARTNER
HUTCHENS LAW FIRM
FAYETTEVILLE, N.C.

Susan Benoit is the supervising real estate partner at Hutchens Law Firm in Fayetteville.

Benoit started her legal career as a real estate paralegal after graduating from Fayetteville Technical Community College with an associate degree in paralegal science. Later, she worked with a mortgage company and a title insurance company before going to law school.

As a partner at Hutchens Law Firm, Benoit puts her experience to work in the firm's real estate practice. She credits her success to her strong work ethic and her history of understanding the people she works with.

Benoit has served on the North Carolina secretary of state's eClosing Committee and has spoken several times on eClosings across the state. She had been involved with the Mortgage Bankers Association of Fayetteville, Longleaf Pine Realtors and the Home Builders Association of Fayetteville for several years. She has served on the planning committee for the Fayetteville Walk to End Alzheimer's and on the Fayetteville Technical Community College Paralegal Advisory Board.



NACHAEL BRIGHT

PARTNER
K&L GATES
CHARLOTTE, N.C.

Nachael Bright, a partner in K&L Gates' Charlotte office, joined the firm in 2012 and focuses on real estate, refinance, restructuring and insolvency.

Prior to joining K&L Gates, she was a partner in the global finance and debt products group of Alston & Byrd of Charlotte.

Bright is active in the Mortgage Bankers Association and Commercial Real Estate Finance Council and is a member of the Real Property Section of the North Carolina Bar Association.

K&L Gates is a fully integrated firm that prides itself on its large diversified real estate practice with lawyers around the world. The firm focuses on commercial ownership, leasing and management, economic incentives, real estate acquisitions and dispositions, real estate finance, distressed real estate, land use, planning, and zoning, real estate planning and development, and real estate joint ventures.

Bright and her colleagues enjoy guiding clients through complex transactions while enabling them to fully capitalize on real estate investment opportunities.



ELIZABETH L.M. CRAMER

PARTNER
GOOSMANN ROSE COLVARD & CRAMER
ASHEVILLE, N.C.

Elizabeth Cramer is known for her skill in navigating challenging projects in commercial and residential real estate.

From representing investors in the acquisition and development of industrial parks to working with first-time homebuyers, builders, lenders and others in the real estate sector, she takes a multifaceted approach to her practice.

Cramer joined the Asheville law firm of Goosmann Rose Colvard & Cramer in 2007 and was named a partner three years later.

Her efforts to help business owners and investors during the 2008 recession stand out among her top professional accomplishments.

"Shortly after being licensed to practice law, the Great Recession occurred," she said. "So, I formed and developed my practice in times that demanded unique, creative and unconventional real estate and financing structure and transactions."

Cramer says her sharp analytical abilities help her stand out and makes her a successful attorney.

"I can quickly absorb and sort facts and details, assess and then formulate the legal options and strategies," she said.



LAURIE B. GENGO

FOUNDER AND OWNER
TRIANGLE LAW GROUP
RALEIGH, N.C.

For years, Raleigh attorney Laurie Gengo dreamed about owning her own law firm.

In 2008, her dream came true when she opened Triangle Law Group, a boutique litigation practice, where she also practices real estate law.

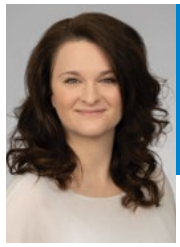
"Never in my wildest dreams did I think the firm would be celebrating its 15th anniversary," she says. "The experience of launching and managing a law firm has been one of most stressful yet satisfying things I have ever done."

Gengo describes herself as an analytical and creative person who uses these attributes to help her clients.

"By using both sides of my brain, I am able to craft outside-the-box solutions to our clients' legal problems," she says.

When Gengo is not practicing law, she might be found engaged in creative pursuits.

"I have been a visual artist most of my life and will be pursuing art as a second career when I retire from the practice of law," she says.



MARGARET H. "MAGGIE" CROMER

PARTNER
MIDTOWN PROPERTY LAW
RALEIGH, N.C.

Growing up in Nash County, Maggie Cromer loved to sing, and she majored in music at the University of North Carolina at Chapel Hill. After graduation she decided to switch gears and follow her father, Joe Hester, into law.

Today, she is a partner at Midtown Property Law and enjoys her real estate practice.

"My best subjects in law school at UNC were property and estates, and I took the real estate broker course my last semester and the broker's exam a few weeks before I took the bar exam," she says. "I believe the broker's course helped me to pass the bar exam the first time."

Cromer credits her success to support from her fellow attorneys and the value they bring to her career.

"They are a support system both emotionally and professionally, and I appreciate our collaborative efforts to solve complex legal matters and our ability to confide in each other when things are tough," she says. "There are some great minds out there and I learn something new every day."





WILLIAM N. HARRIS

PARTNER
MCGUIREWOODS
CHARLOTTE, N.C.

William Harris focuses his practice on commercial real estate development. He also assists businesses with commercial leases and non-real estate clients with real estate aspects of acquisition transactions.

He is a partner at McGuireWoods and practices in the firm's Charlotte office.

He has served on the KinderMourn board of directors since 2011 and has served on the Brain Tumor Advisory Board at Duke University Medical Center for 26 years.

Harris considers building a real estate practice team at McGuireWoods in Charlotte as among his firm's top accomplishments.

"We've been able to leverage the rich tradition of our Charlotte legacy firms to put in place a practice group with diverse skills and approaches to further the firm's overall mission," he said.

He attributes his successful practice to his tenacity.

"It takes a mix of energy and patience on top of the basic legal expertise to thrive in a fast-moving practice," he said. "Showing up and staying engaged pays off in the long run."



THOMAS R. HOLT

MANAGING SHAREHOLDER
BAGWELL HOLT SMITH
CHAPEL HILL, N.C.

Thomas Holt, managing shareholder for Bagwell Holt Smith, has been with the firm for over 30 years, anchoring the Southern Village office location in Chapel Hill.

He primarily focuses on residential and commercial real estate transactions.

A Pennsylvania native, Holt spent several years in the field of social work before moving to Chapel Hill, where he enrolled in the University of North Carolina School of Law and earned his law degree in 1990.

His social work background and soothing demeanor in closings have proven valuable in helping clients navigate important and at times stressful financial transactions. Clients call him the ultimate professional, with sage advice and a calming manner to help them achieve closure in their real estate transactions.

Holt is devoted to community service, serving on the Chapel Hill Public Library Foundation board. He volunteers with the North Carolina Lawyers Assistance Program of the North Carolina State Bar and in 2013 received the Chief Justice's LAP Award.





DAVID IACUZIO

PARTNER
HOLLAND & KNIGHT
CHARLOTTE, N.C.

David Iacuzio, a real estate finance attorney and partner based at Holland & Knight's Charlotte office, represents lending institutions, borrowers, servicing groups and joint venture parties. His experience with real estate loan transactions, property acquisition and refinancing, loan workouts, and pledge fund formation is reflected in his many successes.

Iacuzio represented lenders in connection with a variety of real estate loan transactions ranging in value up to $7 billion, including origination of mortgage, mezzanine, debtor-in-possession and construction loans, loan splitting, participations, loan sales and acquisitions.

He also has represented borrowers in connection with property acquisition and refinancing of current loans and assisted servicing groups in connection with loan workouts, loan restructurings, assumptions, defeasance payoffs, extensions, partial property releases and related matters.

Iacuzio is a graduate of Clark University in Worcester, Massachusetts, with a Bachelor of Arts in economics and psychology. He earned his law degree from Suffolk University Law School in Boston, graduating cum laude.



JEREMIAH JACKSON

ATTORNEY & FOUNDER
JACKSON LAW
WAKE FOREST, N.C.

Over the course of practicing law for the last decade, Jeremiah Jackson has experienced the ups and downs of the real estate business.

He focuses his practice primarily on residential real estate, forming corporate entities for ownership of real estate, representing lenders, handling real estate purchases and refinances, construction transactions, acquisitions, title curative work, and contract drafting.

In addition to real estate, the law firm handles estate planning, business planning, probate and estate planning and administration, and short sales.

Jackson is a native North Carolinian, born and raised at Carolina Beach, and has lived in the Triangle area since 1996. He graduated with honors from North Carolina State University with a Bachelor of Arts in political science with a concentration in law and political philosophy and earned his law degree from the University of North Carolina School of Law.



TODD A. JONES

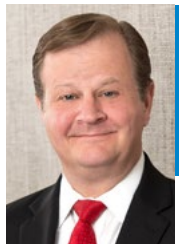
FOUNDING PARTNER
ANDERSON JONES
RALEIGH, N.C.

Todd Jones, attorney and founding partner of Anderson Jones, has extensive experience in many areas of law, including real estate and construction law. He has handled cases ranging from workers' compensation to personal injury to multimillion-dollar contract disputes.

Jones is an active volunteer with the North Carolina Bar Association's Construction Law Section. In 2007, he received the Blanchard Outstanding Young Lawyers Award from the NCBA for his work on law-related education for North Carolina schoolchildren ranging from elementary school to high school. He is a past chair of the Downtown Housing Improvement Corp. in Raleigh.

He also serves on the Construction Financial Managers Association's National Government Affairs Committee and the Association of Builders and Contractors' Fayetteville Council and chairs the Campbell Law Alumni Association Board of Directors.

In May 2012, he traveled to Lithuania and Latvia and represented North Carolina lawyers internationally, facilitating the Attorney Exchange Program between the Lithuanian Lawyers Association and the North Carolina Bar Association.



BENJAMIN KUHN

PARTNER
RAGSDALE LIGGETT
RALEIGH, N.C.

For 25 years, Ben Kuhn has practiced real estate law in Raleigh, focusing on development, land use and zoning.

A partner at Ragsdale Liggett, he is committed to representing people facing serious problems, including a situation involving a proposed landfill that would have devastated a neighborhood.

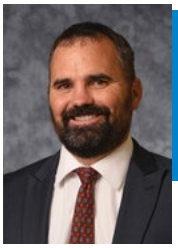
"I represented a neighborhood in the Sandhills area when they faced the prospect of a developer turning an old sand mine into a landfill that would accept trash from both North Carolina and South Carolina," he says.

Kuhn and his team had less than two weeks to prepare, but the residents rallied, and their support led to a successful outcome.

"The experience taught me the importance of the work I do and how it can help people," he says.

Kuhn attributes his success to being persistent and paying attention to clients.

"It is important to be responsive, but also proactive and seek answers where conflict arises to find solutions that work for your client," he says.



JOHN LIVINGSTON

PARTNER
KILPATRICK TOWNSEND & STOCKTON
RALEIGH, N.C.

John Livingston has been called one of the Triangle's more influential real estate attorneys. He is a partner at Kilpatrick Townsend & Stockton, where he devotes his practice to sustainable development and chairs the firm's real estate and development team.

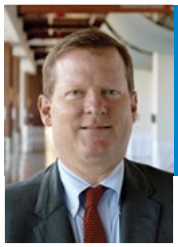
Livingston considers his appointment as the leader of the team as one of his top professional accomplishments. "We have amazing attorneys and paralegals practicing from locations throughout the Southeast, representing clients throughout the world," he says.

He attributes his success to his diligence.

"I strive to put as much or more effort and attention to our client's transactions and issues as I would on my own and am as invested in their success," he says.

With a degree in civil engineering and a passion for creating unique spaces, Livingston has learned valuable lessons during his career.

"I have seen that there are substantial lifestyle and health benefits resulting from good development and negative impacts from bad development," he says.



DAVID G. MARTIN

MEMBER
MURCHISON TAYLOR & GIBSON
WILMINGTON, N.C.

David Martin's practice focuses on commercial real estate transactions, real estate finance, and loan workouts and foreclosures.

As a member of Murchison Taylor & Gibson, he assists clients with financing and acquisition of real property, development, commercial leasing and the preparation and negotiation of all forms of real estate and loan documentation

Martin has built up a list of impressive accomplishments, including working with the developer of a 235-acre mixed-use community, representing financial institutions in more than 400 loan workouts and foreclosures during the recession, and representing the developer of multi-family, office condominium, retail centers and mixed-use projects in North Carolina.

An active member of the First Presbyterian Church since 2004, Martin is an usher team coordinator and formerly served as a deacon, lay liturgist and youth basketball coach. He is a past member of the Lower Cape Fear Hospice board of directors and served in leadership roles with the Greater Wilmington Chamber of Commerce Foundation Board and the New Hanover County Schools Bond Referendum Committee.



W. BROCK MITCHELL

PARTNER
HORNTHAL, RILEY, ELLIS & MALAND
ELIZABETH CITY, N.C.

As a partner with Hornthal, Riley, Ellis & Maland, Brock Mitchell represents businesses, lenders, developers and individuals in real estate transactions.

His practice also includes helping businesses navigate the bankruptcy process from initial filing to reorganization and advising individuals facing bankruptcy on workouts and alternatives to filing.

Mitchell also helps individuals form business entities, prepares and negotiates contracts, and advises individuals and entities on taxation issues. He also assists individuals with estate planning and asset protection.

Mitchell is active in the legal profession and his community.

He serves on the Real Property Section Council and is a former co-chair of the Joint Forms Committee of the N.C. Bar Association.

He is a member of the Elizabeth City Rotary Club, Kids First, Food Bank of the Albemarle and Albemarle United Way. He is a past board member of the Boys and Girls Club of Elizabeth City and serves on the First Citizens Bank board.



DELEON "DEE" PARKER JR.

ATTORNEY
THE PARKER LAW OFFICE
ROCKY MOUNT, N.C.

Dee Parker grew up in Rocky Mount, where he lives, practices law and owns The Parker Law Office.

He focuses his practice on residential and commercial real estate. He also performs title work and closings for right of way acquisitions for the N.C. Department of Transportation.

After receiving his law degree from Campbell University, Parker moved back home to Rocky Mount to serve as general counsel at Inco, a family-owned construction and industrial maintenance company, before starting his firm in 2005.

He credits perseverance for contributing to his success.

"Perseverance helps me focus on developing myself and those around me so that we can continually improve and serve our clients better each day," he says.

Of all his accomplishments, mentoring is the most satisfying.

"When I worked in-house, I started and shepherded apprenticeship and training programs for employees in industry," he says "In my private practice, the training and development is more hands-on, but the successes are the same."



KATIE SCHWARTING

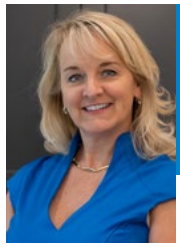
PARTNER
SEYFARTH SHAW
CHARLOTTE, N.C.

Katie Schwarting is recognized as the go-to lawyer in the field of servicing and special servicing for loans in the real estate sector in North Carolina. She recently moved to Seyfarth Shaw to launch the firm's new servicing and special servicing practice, which she chairs and is based in Charlotte.

Her lending-focused practice, including loan servicing and securitization work, has deepened the strength of Seyfarth's national real estate finance group.

Before joining Seyfarth, Schwarting was the office managing partner in Charlotte for Bryan Cave, where she was so highly regarded that she was asked to serve on the firm's executive committee in addition to leading its loan servicing practice. She also chaired the firm's Diversity, Equity and Inclusion, Governance, and Best Practices Committee.

Schwarting has led more than 300 Freddie Mac securitizations over the past decade. She was heavily involved in six of the top nine servicing transactions, according to the Mortgage Bankers Association. Her deals are estimated to total more than $3 billion.



JENNIFER SCOTT

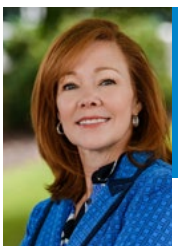
ATTORNEY, SHIPMAN & WRIGHT
GENERAL COUNSEL, THE WINDJAM COS.
RALEIGH, N.C.

As an attorney at Shipman & Wright, Jennifer Scott represents developers, contractors, real estate firms, association boards, property managers, Realtors, brokers and agencies.

She is a dual-certified real property specialist and a full-time in-house counsel to The Windjam Cos., a real estate development corporation with a presence in the Triangle and throughout eastern North Carolina.

Scott credits her responsiveness to clients as among the characteristics that make her a successful attorney. She also believes her ability to help clients shift their perspectives often leads to the best results and superior client satisfaction.

"Whether it's a straight negotiation or a complex conflict, guiding my clients to think about things in a different way, dispense with their bias about the other players involved or the subject matter, and help them be creative about outcomes, helps get deals done and resolve disputes to the benefit of their physical, mental and fiscal health," she says.



LAURIE STEGALL

FOUNDER AND MANAGING PARTNER
STEGALL & CLIFFORD
GREENSBORO, N.C.

Over the past 30 years, Laurie Stegall has enjoyed a wide and varied legal career. From insurance defense to representing plaintiffs in workers' compensation matters, Stegall parlayed her extensive experience into a thriving residential real estate practice.

She opened Stegall & Clifford in 2014 and practices alongside her law partner, Brian Clifford, and two other attorneys. Stegall also provides estate planning services for her clients.

Stegall considers establishing her law firm as one of her top professional accomplishments across her career.

"I take pride in starting Stegall & Clifford and building it into a successful firm with a culture that emphasizes our family-like atmosphere and the value we place upon our staff, our partners and our clients," she says.

A published author, Stegall coached high school mock trial teams and attributes her success to tenacity and persistence.

"I have a strong work ethic and refuse to quit in difficult circumstances," she says.



LINDSAY PARRIS THOMPSON

PRINCIPAL
VAN WINKLE LAW FIRM
ASHEVILLE, N.C.

Lindsay Thompson's high school job working for a real estate attorney sealed her professional future, and today, she is a principal at the Van Winkle Law Firm.

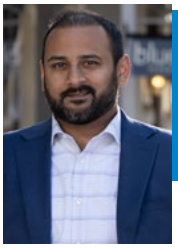
She spends her days representing banks in commercial financing transactions and helping developers and other landowners with contract negotiations, sales, acquisitions, leasing, financing, due diligence and other matters.

She credits her ability to stay task oriented and organized with running her successful practice.

"Real estate law is not rocket science but it does require a high level of organization and understanding of logistics," she says.

She is still early in her career but is already looking forward to a volunteer role in retirement someday.

"Both of my children were NICU babies, and if I had to pick a different profession, I would probably be a NICU nurse," she says. "Since I don't plan on going back to school, however, I do plan to be a volunteer NICU baby cuddler when I retire."



NIKHIL VYAS

OWNER AND MANAGING PARTNER
VYAS REALTY LAW
RALEIGH, N.C.

Nikhil Vyas began his professional career after law school at a volume-driven real estate law firm. Since becoming owner and managing partner of Vyas Realty Law in Raleigh, he has focused on growing his commercial and residential practice.

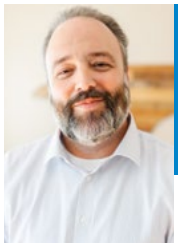
He has represented buyers and sellers in commercial real estate transactions valued up to $10 million, including the acquisition and disposition of undeveloped land, multifamily and mixed-use developments, retail shopping centers and many other establishments.

In 2019, two years after starting his firm, Vyas completed a brand rebuild.

"In an aggressive effort to grow our firm and relocate the main office, we underwent a hasty acquisition of a retiring attorney's practice," he says. "The acquisition did not lead to favorable results, but the core of my firm remained intact."

Vyas Realty Law emerged stronger than ever, which makes Vyas feel good about the time and energy he invested.

"I am proud to have overcome professional struggles and view every forthcoming interaction as an opportunity to grow," he says.



J. MATTHEW "MATT" WATERS

MEMBER
JORDAN PRICE
RALEIGH, N.C.

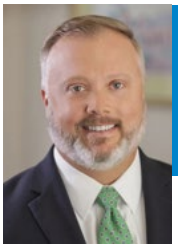
As a first-year law student at Campbell University, Matt Waters was introduced to real property law by his favorite educator, Professor Jim McLaughlin.

"After my first year, I worked for Professor McLaughlin, helping edit 'Webster's Real Estate Law in North Carolina,'" Waters says. "It was my time in Professor McLaughlin's class and working with him during the summer that ignited my interest in real property law."

Today, Waters is a trial lawyer and member at Jordan Price, where he concentrates his practice primarily in community association law. He represents homeowners associations, including foreclosures and covenant enforcement.

Water believes adaptability is the key to maintaining a successful law practice.

"The legal landscape is constantly evolving, and being able to adapt to new regulations, market trends, and client needs allows me to provide effective and forward-thinking legal counsel," he says. "Adaptability not only enhances my problem-solving skills but also ensures that I can navigate the ever-changing complexities of the legal profession."



JOSHUA WHITAKER

FOUNDING MEMBER AND MANAGING PARTNER
WHITAKER & HAMER
GARNER, N.C.

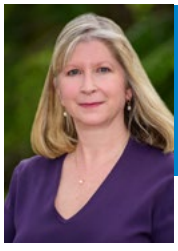
A founding member of Whitaker & Hamer, Josh Whitaker's practice includes residential and commercial real estate and business transactions. The firm has grown from one office to seven across the Triangle area, and staff longevity is a hallmark of the practice.

"Our law firm is fortunate to have experienced very little turnover in staff since we started the firm in 2004," Whitaker says. "Our top professional success is helping create an environment in which attorneys, paralegals and staff feel safe, valued and comfortable."

Whitaker points to his colleagues and team at his firm when he mentions the attributes that have made him a successful attorney.

"I couldn't imagine doing what I have done without the professional, highly educated staff that surround me every day," he says.

Whitaker and his law partner, Joseph Hamer, operate the "Judica County" podcast, which provides legal information and news. This podcast was nominated for a 2022 People's Choice Podcast Award for best news and political podcast.



ANDREA WOOD

FOUNDING PARTNER
THE WOOD LAW FIRM
CHARLOTTE, N.C.

Andrea Wood opened The Wood Law Firm in 2010. She serves her clients in the areas of residential and commercial real estate, business planning and real estate litigation.

"I wanted to start a firm that was different and focused on the client rather than the bottom line," she says. "'Personal service' is our motto at The Wood Law Firm, where I treat my clients as I want to be treated, and I think it really sets us apart."

She attributes her success to her efforts to exceed her clients' expectations

"I emphasize personal service and attention to detail," she says. "I am also quick to reach out and consult with other attorneys if I don't know the answer to something, and they do the same. By doing that, we have built a network of colleagues that help each other."

In addition to her day-to-day duties at her practice, Wood serves as counsel for the Charlotte Regional Mortgage Lenders Association.

$2 MILLION SETTLEMENT

Driver dies after rear-end crash on Raleigh street

Action: Wrongful death

Injuries alleged: Fractured vertebrae leading to death

Case name: Withheld

Court/case no.: Withheld

Amount: $2 million

Date: Sept. 8, 2023

Attorney: Bob Whitley of Whitley Law Firm, Raleigh (for the plaintiff)

The decedent, 60, was driving on Glenwood Avenue in Raleigh when she stopped for a red light at an intersection. The speed limit at the wreck site was 45 mph. Her vehicle was rear-ended by a vehicle driving more than 20 mph over the speed limit. The impact pushed the decedent's vehicle into the stopped vehicle in front of her.

The decedent was hospitalized and died three days later. She was survived by her husband of five years and two adult children. Her surviving dependents were not dependent on her financially. ◆

$1.35 MILLION SETTLEMENT

Collision happens shortly before plaintiff's wedding

Action: Personal injury

Injuries alleged: Brain, multiple rib and leg fractures, numerous ligament tears in both legs, post-traumatic stress disorder

Case name: Withheld

Court/case no.: Withheld

Amount: $1.35 million

Date: April 2023

Attorneys: John Chilson and John Kenneth Moser of Comerford, Chilson & Moser, Winston-Salem (for the plaintiff)

Plaintiff, 22, was driving on the interstate to meet with her fiancée at the courthouse to obtain their marriage license. As she entered a work zone, traffic stopped in her lane. A tractor-trailer behind her did not stop and plowed into the rear of plaintiff's sedan, pushing it into the tractor-trailer in front of it.

Plaintiff was removed from her car by fire department personnel. The force of the collision totaled her vehicle and caused serious injuries, including to the brain, multiple rib fractures and fractures and ligament tears in both legs. She spent 27 days in a hospital and an inpatient rehabilitation center before enduring extensive outpatient therapy and additional surgeries.

She was discharged two days before her scheduled wedding and wedding reception. Although these events caused her significant emotional distress, including post-traumatic stress disorder, plaintiff proceeded with her wedding from a wheelchair, though she was not able to wear her wedding dress, walk down the aisle or dance at the reception.

The case settled shortly after mediation. ◆

$1.75 MILLION VERDICT

Heart patient dies after disconnection from pacer

Action: Medical malpractice

Injuries alleged: Death

Case name: Estate of Staley v. Randolph Hospital Inc.

Court/case no.: Randolph County Superior Court / 19 CVS 1189

Judge: Christopher W. Bragg

Amount: $1.75 million

Date: March 9, 2023

Most helpful expert: Dr. Jon Resar, cardiologist and professor of medicine, Johns Hopkins University, Baltimore.

Attorneys: Phyllis Lile-King of the Lile-King Firm, Greensboro, and Tony Russell of Michie Hamlett, Roanoke, Virginia (for the plaintiff); Karen Styles and Terence Reynolds of Shumaker, Loop & Kendrick, Charlotte (for the defendant)

Decedent, 47, had a history of hypertrophic cardiomyopathy and was on three medications to slow his heart. After he developed bradycardia in the 30s and fainted, EMS took him to Randolph Hospital, where he was appropriately and promptly put on a transcutaneous pacer. He and his family were told that the pacer was very important, and that the hospital would hold him while he awaited transport to UNC Hospitals, where his cardiologist was and where a pacer was to be implanted.

A radiologic tech came to take decedent for an X-ray. He removed the pacer despite that there was no order permitting cessation of pacing, that the pacer was portable, and that decedent's adult daughter said she thought that decedent needed to remain on it. Decedent lost consciousness in X-ray suite, never regained consciousness, suffered cardiac arrest and died later that night.

Defense was that disconnection of pacer was not negligent because the tech was not trained about pacers, and even if the tech was negligent, the disconnection did not cause patient's death. ◆

$8.65 MILLION SETTLEMENT

Road, bridge projects thwart tract's development

Action: Eminent domain, inverse condemnation

Injuries alleged: Inverse condemnation of property, including the taking of a drainage easement, flood easement or both

Case name: Mainsail of Beaufort LLC vs. N.C. Department of Transportation

Court/case no.: Carteret County Superior Court / 20-CVS-0225

Judge: Clinton D. Rowe

Mediator: Joe Chambliss

Amount: $8.65 million

Date: Sept. 14, 2022

Most helpful experts: Paul A. Cuomo, general appraiser with Coastal Carolina Group, Greenville; Lawrence F. Baldwin, soil and hydrologic scientist with Land Management Group, Wilmington; and Dr. Barrett L. Kays, soil and hydrologic scientist with Landis PLLC, Raleigh

Attorneys: Philip Kirk of Kirk, Kirk, Howell, Cutler & Thomas, Wendell; Stephen M. Valentine of Valentine & McFayden, Beaufort; James Thompson of James W. Thompson III PC, Morehead City (for the plaintiff)

The case involved a 7.572-acre tract in the town of Beaufort. The owners had planned to develop a townhouse project overlooking Town Creek; however, in 2012, the N.C. Department of Transportation began a new road project to directly connect the North Carolina state port in Morehead City to U.S. 101 and bypass Beaufort by means of a new four-lane highway and high-rise bridge over Town Creek and the Intracoastal Waterway.

The disruptions to the lands adjacent to plaintiff's tract created by the project highway significantly changed the flow of surface and subsurface water onto and under the plaintiff's tract. This caused significant wetlands hydrology to develop on the plaintiff's land, which interfered with the townhouse development. Plaintiff filed suit for inverse condemnation.

NCDOT denied there was a taking. Judge Clinton Rowe determined defendant's actions constituted a taking. With development options lost, the matter settled at mediation for $8.65 million. ◆

$1.1 MILLION SETTLEMENT

Truck-SUV crash leaves plaintiff with series of injuries

Action: Tractor-trailer collision with motor vehicle

Injuries alleged: Traumatic brain injury, post-concussion syndrome, neck and back pain, depression

Case name: Withheld

Court/case no.: Withheld

Amount: $1.1 million

Date: April 5, 2022

Most helpful experts: Maria Vargas, MS, CRC, CLCP; Gary Albrecht, Ph.D.; Genia Beasley, OD; Jeffrey Ewert, Ph.D.; and Peterson F. Giallanza, MD

Attorneys: Elizabeth Grimes, Richard Yeoman, and Jennifer Reed of Grimes Yeoman, Mooresville (for the plaintiff)

Plaintiff, 54, suffered a traumatic brain injury when her mid-sized SUV was rear-ended by a tractor-trailer while traveling in slow-moving traffic on the interstate. At the scene of the accident, plaintiff was extremely distressed and complained of headache, neck and back pain and a sense of cognitive haziness. Plaintiff was assessed by EMS to have a normal Glasgow Coma Scale of 15 and was taken by ambulance to a nearby hospital. While there was no direct head strike, the nature of the collision resulted in a contrecoup-type brain injury and cervical whiplash. CT scans showed no significant abnormalities were detected.

Plaintiff received follow-up care from her primary care physician, who treated her for her concussion and orthopedic injuries. The orthopedic injuries resolved; however, plaintiff continued to struggle with symptoms of fatigue, fogginess, forgetfulness, lack of focus, light sensitivity and a decrease in her visual acuity.

She was referred to a neuro-optometrist for vision therapy. Plaintiff also consulted a neurologist and neuropsychologist to address memory and concentration issues.

She also was diagnosed with decreased peripheral vision due to the TBI, underwent extensive vision therapy and eventually regained her peripheral vision.

A neuropsychological evaluation one year after the accident revealed plaintiff had a major neurocognitive disorder and notable deficits in attention, concentration and memory. Plaintiff underwent cognitive therapy and participated in TBI support groups to improve her multitasking abilities and memory retention.

Neuropsychological evaluations conducted 2½ and 3½ years after the accident indicated plaintiff's cognitive impairments had improved to close to her pre-accident projected baseline. However, during the long recovery process, plaintiff became socially withdrawn, less confident and developed major depression, diminishing her quality of life.

Plaintiff's damages presentation was complicated by the fact that she was diagnosed with cancer during her TBI treatment.

Another aspect of damages that was strongly challenged was the client's claim for lost wages and claim for permanent and total disability. The defense argued that her work prior to the accident was informal and only casual part-time work in helping her husband's small construction company. While plaintiff's primary care physician would not endorse her claim of disability, her neurologist and neuropsychologist did so. Vocational and expert economic reports were helpful in quantifying the future economic losses claimed.

The case settled the month before it was the be called for trial. A trial deposition of the neuro-optometrist was taken to substantiate the clinical documentation of plaintiff's decrease in peripheral vision and explain how neurological compromise from a traumatic brain injury often affects the visual system. This deposition was helpful in convincing the insurance company to settle. ◆

LETTER TO THE EDITOR

Practices grow in legal deserts

I recently received my Lawyers Weekly magazine and read the "Legal Deserts" article. I graduated from Campbell Law in 1998 and moved to Southport with my new bride and $5,000 in wedding money. I had a professor at Campbell who encouraged new attorneys to open up on their own and to move to rural counties where attorneys were needed. I have been in Brunswick County for 25 years, built up my practice, raised my family and invested my time into the community.

Part of the problem can be seen in your magazine. If you go through your list of 50 [Most Influential Women] or your Family Law Power List, every one of the honorees is from one of the populated counties that are not legal deserts and is generally from a large firm. You never celebrate or highlight the rural attorney who changes lives for the better every day through affordable legal fees — not $750-per-hour big city rates — and participates in all types of good works through clubs and organizations, giving time, education and intelligence. An attorney can have so much success and satisfaction (personal and professional) in rural areas, but unless you interview them or do articles about them, why would anyone think of it as an option?

I know several attorneys who went off to school and came back to their county to practice, and it is a beautiful thing. The satisfaction of a small-town practice can provide the personal satisfaction needed to fend off the mental health issues that many lawyers face. I cannot imagine being a no-name lawyer in a cubicle in a big city.

Adrian Iapalucci, Esq.
Boiling Spring Lakes



Graphic courtesy Law Offices of James Scott Farrin

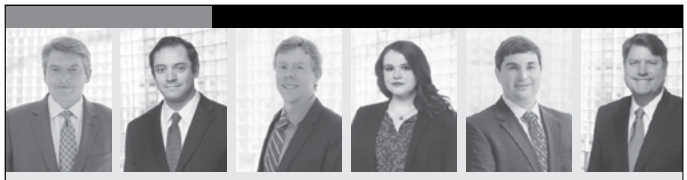
The Law Offices of Oliver & Cheek PLLC

Tough Times Require Trusted Lawyers

- All Chapters of Bankruptcy
- Alternatives to Bankruptcies
- Receiverships



Serving Eastern NC
252.633.1930 • www.olivercheek.com



Helping People Is What We Do.

MARTIN & JONES PLLC

Serious Personal Injury
Workers' Compensation
Car Accident Injuries
Mesothelioma, Lung Cancer & Asbestosis
Truck Accident Injuries
Camp Lejeune Water Contamination
Medical Malpractice
Vaccine Injuries
Dangerous & Defective Products
Burns & Electrical Injuries

We are always grateful for referrals and value our co-counsel relationships. Call **John Alan Jones** or **Forest Horne** to discuss a possible relationship at **(800) 662-1234**. All inquiries held in the strictest confidence.

MartinandJones.com
800.662.1234

SINCE 1982

Serving all of North Carolina with offices in Raleigh, Durham and Wilmington.

COMMERCIAL & CONSTRUCTION LITIGATION

John P. Marshall



White&Allen
built on trust.

106 S. McLewean Street
P.O. Box 3169
Kinston, NC 28502-3169

252.527.8000 x245
Fax: 252.527.8128

jmarshall@whiteandallen.com

Start your research with North Carolina Lawyers Weekly.

Explore our archives of stories and case digests to find that decision you remember. Get copies of the full-text opinions you need. Research verdicts and settlements to compare what your case is worth or to see what experts have been used. It's all part of your subscription.

Explore our online resources today!
nclawyersweekly.com/subscribe

NorthCarolinaLawyers WEEKLY

SUBSCRIBE TODAY AT nclawyersweekly.com/subscribe

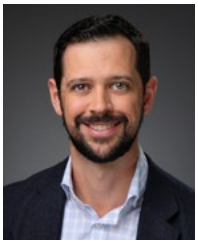


Could pillar of administrative law be near its end?

By Troy Shelton

A pair of cases about herring fisheries seek to topple one of the central pillars of federal administrative law: Chevron deference.

But first, a primer on that pillar. *Chevron USA v. Natural Resources Defense Council* is a 1984 decision from the U.S. Supreme Court. The issue before the court was whether and how a reviewing court should defer to a federal government agency's interpretation of a statute that Congress had tasked the agency with administering.



Shelton

The *Chevron* decision explained that deference is appropriate because an ambiguous statute reflects Congress's intent to delegate gap-filling to the executive branch agencies who enforce the law.

Chevron requires deference if two steps are met. At step one, a judge must ask whether the statute is ambiguous. If yes, step two requires the judge ask whether the agency's interpretation is reasonable. If the agency gives a reasonable interpretation to an ambiguous statute, the agency's interpretation must prevail.

Chevron displaced an earlier, multifactor test for deference that tended to let courts defer, or not, at whim.

Over time, *Chevron* became one of the Supreme Court's more-cited precedents in the lower federal courts. When lower courts apply *Chevron*, the agency almost always wins. An empirical has shown that, when courts reach step two, the agency wins 94% of the time.

It's mostly conservatives who currently desire to overrule *Chevron*'s overruling. But it wasn't always that way. During his lifetime, Justice Antonin Scalia was one of *Chevron*'s most ardent supporters. *Chevron* fit within the conservative legal movement's desire to restrain policymaking by the judiciary, leaving politics to the politically accountable branches. *Chevron* also facilitated President Ronald Reagan's efforts to deregulate free from judicial interference.

Despite the rosy reception, conservatives have now cooled on *Chevron* because it also erodes constitutional values. *Chevron*'s critics argue that it's the judiciary, not the executive branch, that is supposed to say what the law is, and that it's Congress's role, not the president's, to write laws that mean something. At its core, they argue, *Chevron* deference might restrain judges, but it also violates the Constitution's separation of powers.

It is unclear how the Supreme Court currently views the doctrine. The court rarely mentions *Chevron* when it would otherwise apply. At least four of the current justices also have questioned the doctrine's viability and scope.

That brings us to this term. Two cases ask the court to overrule *Chevron* or at least severely limit it: *Loper Bright Enterprises v. Raimondo* and *Relentless Inc. v. Department of Commerce*.

The enemies of *Chevron* have chosen a good vehicle. The lower courts deferred in *Loper* and *Relentless* because of silence in a federal statute. The lower courts considered the silence to delegate the unaddressed issue to the federal agency. But, as an amicus brief from the House of Representatives argues, silence means that Congress hasn't delegated anything. If silence empowers agencies, they said, it's hard for Congress to restrain agencies.

But will the court really overrule this mainstay of administrative jurisprudence? And does it need to?

The court has been cutting back on agency overreach for the past several terms. In 2022, the court announced the major questions doctrine: a new interpretive canon that presumes Congress didn't intend to delegate questions of vast economic and political significance to agencies. In other cases, the court blocked the creative use of administrative law to forgive student loans and has invalidated other laws that made agencies politically unaccountable.

In 2019, the court trimmed back a different deference doctrine, called *Auer* deference, in *Kisor v. Wilkie*. *Auer* deference requires courts to defer to an agency's interpretation of its own ambiguous rules. *Kisor* fell one vote short of completely overruling *Auer*. Since the decision, the late Justice Ruth Bader Ginsburg has been replaced by Justice Amy Coney Barrett, whose views on deference aren't clear.

Chevron's enemies say that *Loper* and *Relentless* should follow the trend of paring back the administrative state. But supporters point to the more recent decisions as better solutions to administrative overreach than overruling *Chevron*. The supporters worry that overruling *Chevron* would destabilize the lower courts. And, without deference, those courts are likely to offer conflicting interpretations of the same legal questions. Those circuit splits will require constant intervention by the Supreme Court.

That said, *Chevron* creates its own instability. Instead of interpretative differences from court to court, the public is treated to swings in "interpretative" differences from presidential administration to presidential administration. Likewise, as one amicus argues, many states have repudiated *Chevron* for state administrative law without suffering adverse consequences.

Oral arguments in the two cases are set for Jan. 17, 2024. By June, we should learn whether *Chevron* is truly relentless.

Troy Shelton is an appellate partner in Raleigh at Fox Rothschild. He can be reached at tshelton@foxrothschild.com. ◆

Aging as a lawyer really isn't all that bad

By Spencer Farris

I was sitting on a bench waiting for a bailiff to unlock the courtroom door after lunch. I had my head down in my notes when I became aware of a little person looking at me. He couldn't have been more than 2 years old.

I said "Hello," and went back to my notes. He wandered off, then came back and climbed up onto the bench next to me.

"Welcome, new friend," I said.

He looked at me, then down at my papers. I was pretty sure he wasn't a spy for my opponent, and I didn't think any more about it. There were lots of other seats available, but he felt like the seat next to me was the one he needed.



Farris

He had come into the hallway with two women who were going over a domestic relations questionnaire for their court appearance. The younger of the two spoke to me.

"He has a thing for grandpas."

I was visibly stunned. Seeing that, she tried to be complimentary, but it didn't take away the sting I felt. It was not the punch in the face I was expecting in the courthouse.

I have older and younger friends who are grandparents. Still, one shouldn't assume a person is a grandpa unless he introduces himself as "Pawpaw" or offers you a hard candy. I wasn't truly offended, and the laughter from the surrounding lawyers who know me was loud enough to startle the toddler.

I have mirrors in my house, and I know what I look like. I am not deluded that I am still a young man. I have semi-current photos on my website, unlike some of my peers, who still use glamour shots from the 1990s. While it shouldn't have, the notion that I am grandpa age took me by surprise.

I have stopped referring to myself as a middle-aged lawyer because I am only middle-aged for great Sequoias. I don't even track my age in years anymore; rather, I say I have achieved level so and so. I won't tell you the level, but I understand there is a major Boss battle coming up soon.

Lawyers are a fortunate bunch. As we get older, the things we do become easier and take less effort. Even counting the time it takes to verify that the law is still what we remember it to be, things are easier. I suspect that my friends who bill by the hour will never admit that tasks take less time, of course.

Early in my career, a juror came up to me after a favorable verdict and told me that I would be a pretty good lawyer when I got some gray hair. There is a lot of gray in the hair I have left. Whether I am a good lawyer yet or not is still up for debate. Fortunately, I am not interested in having that debate with anyone.

Much has changed since my career started. Cellphones don't come in a bag anymore, and they keep our calendars, as well. Email has replaced the post office. Court appearances and depositions are conducted from my desk. I have managed all these changes and will work through the incremental changes of getting older as well.

I don't mind being the grandfatherly type, and there's not much I could do about it if I did. Practicing law for several decades has given me a wealth of wisdom and experience, although most wisdom comes from making mistakes. I still have a good bit left to learn, hopefully with fewer mistakes along the way.

Spencer Farris is the founding partner of The S.E. Farris Law Firm in St Louis. ◆

I am not deluded that I am still a young man. I have semi-current photos on my website, unlike some of my peers, who still use glamour shots from the 1990s.

As bankruptcies rise, safeguards protect employee benefits

By J.J. Conway

Inflation, a tight labor market, high interest rates, ongoing supply chain issues and changing consumer trends have been identified as factors contributing to a significant uptick in corporate bankruptcies filed in 2023. According to a Market Watch report in September, there have been more U.S. corporate bankruptcies thus far than in 2021 and 2022 combined.



Conway

Some of the bankruptcies have been household names. In October, citing declining sales and legal exposure to mass opioid litigation, Rite-Aid Corp. filed for bankruptcy protection under Chapter 11 and hopes to restructure its national operations. WeWork filed for bankruptcy soon thereafter.

Both short- and long-term employees — aware of the value of the so-called "hidden paycheck" — rightly want to know, "What happens to my employee benefits if my employer chooses to file Chapter 7 or Chapter 11 bankruptcy?"

First the distinction between the two. In a Chapter 7 bankruptcy, the company is ceasing operations and liquidating its assets to pay creditors. In Chapter 11, the company continues operating, while trying to reorganize its finances to stay in business.

Each type of bankruptcy has a different impact on its employees, but the Employee Retirement Income Security Act of 1974, or ERISA, offers some measure of protection for affected employees, regardless of bankruptcy type. ERISA governs retirement plans, including pensions, profit-sharing, and 401(k) plans, in addition to welfare plans such as health, disability and life insurance plans. It also regulates the continuation of health care coverage through the COBRA and HIPAA statutes.

Retirement plans

If a bankrupt company terminates its pension plan, whether a defined benefit plan or defined contribution plan, the plan's participants become 100% vested in their accrued benefits. If the employer terminates a defined benefit plan because it can no longer fund the plan or pay out promised benefits, the Pension Benefit Guaranty Corp., or PBGC, insures some (but not all) benefits and typically pays benefits after termination up to a certain maximum guaranteed amount.

Although defined contribution plans, like 401(k) plans, are not insured by the PBGC, those amounts are protected from the company's creditors. In a Chapter 11 reorganization, companies can decide to either terminate or continue their retirement plans. If a company chooses to continue them, they have the right to stop providing any future contributions or matching funds.

Health care insurance

For group health care plans of a bankrupt company, the plans must notify employees within 60 days of any material reduction in their covered benefits. If a reorganizing employer discontinues most plans, employees might be eligible to continue coverage in its remaining plan. If employees are covered under the employer's health plan and subsequently lose their job, have their hours reduced or are laid off and lose coverage because of the bankruptcy, COBRA provides them with the right to purchase extended health coverage under the employer's existing plan.

COBRA continuation coverage might not be available if the company discontinues its health plan entirely. In such a scenario, employees and their dependents have to seek other coverage such as Health Insurance Marketplace or special enrollment in a spouse or domestic partner's group health plan, if available.

Health benefits for retirees or those under collective bargaining agreements may be protected under special bankruptcy rules. If there are unpaid health claims and the plan sponsor has declared bankruptcy as well, a plan participant can file an actual proof of claim with the bankruptcy court.

Preparation tips

When a company goes through a formal reorganization or liquidation, the best course of action is to be well-informed about the proceedings and the employee's plan-based rights — and to move quickly to protect those rights.

Employees in turn should become well-versed in the plan rules that govern their retirement and health benefits and know in advance what happens to those

See Page 42

Mandatory pre-dispute arbitration faces uncertain future

By Gregory S. Duncan

Historically, courts were hostile to pre-dispute arbitration agreements. To address this hostility, Congress enacted the Federal Arbitration Act, or FAA, that placed arbitration agreements on the same footing as other contracts.

Arbitration is a powerful weapon against lawsuits. Since passage of the FAA, there has been a strong federal policy in favor of arbitration. Any doubts regarding the scope of arbitrable issues are to be resolved in favor of arbitration. In many instances, even non-signatories to a pre-dispute arbitration agreement also can be forced to arbitrate a dispute.

Regarding federal statutory claims, an arbitration provision will be enforced unless Congress makes clear that it intended to preclude a waiver of judicial remedies for the statutory rights in dispute. Courts have rarely discerned such congressional intent (see *CompuCredit Corp. v. Greenwood*).

Given the virtual "get out of court free" card granted by the FAA, it's no wonder that a surge in arbitration provisions developed. Nearly all large businesses employ them. For decades, these provisions, coupled with class action waivers, have been relied upon by these businesses to provide protection from litigation and classwide claims and recoveries.

But has the tide started to turn against arbitration? Initially, it was hoped that arbitration would be cheaper and more efficient than litigation. In some cases, both are true. In many, however, neither is true, and the basic premise underlying arbitration proves false. Many times, years are spent arguing over the applicability of an arbitration provision in the courts (see *Nicosia v. Amazon.com*).

The FAA does not require efficiency and sometimes permits portions of a dispute to be arbitrated while others are litigated in court. In *Dean Witter Reynolds Inc. v. Byrd*, even the Supreme Court acknowledged that arbitration could result in the possible "inefficient maintenance of separate proceedings in different forums." In some circumstances, the FAA requires piecemeal resolution of disputes, when needed to give effect to an arbitration agreement (*Moses H. Cone Memorial Hospital v. Mercury Construction Corp.*). If there is a factual dispute regarding the making of the arbitration agreement, a trial also is necessary (9 U.S.C. §4).

Arbitration is often not cheap, either. Arbitrators are paid well, often by the corporate defendant. It is increasingly easy for plaintiffs to identify large groups of similarly situated parties and file large numbers of claims in arbitration, each of which requires payment to the arbitrator.

If a lawsuit is filed, many defendants employ a "heads I win, tails you lose" approach to litigation when an arbitration agreement exists, exacerbating the inefficiencies and costs. In such a case, a defendant would file a motion to dismiss in court seeking to have all claims dismissed on substantive grounds. If that succeeds, great. If not, it would then move to compel arbitration on all claims that were not dismissed. This process can take months — or years.

In defending against the motion to compel arbitration, plaintiffs would normally allege that any right to arbitrate was waived by the initial pursuit of litigation. Until recently, that argument was usually dead upon arrival because the plaintiff generally could not prove he was prejudiced by the defendant's tactic. Delay alone was rarely enough to constitute waiver.

This "heads I win, tails you lose" approach took a hit last year. On May 23, 2022, the Supreme Court decided *Morgan v. Sundance*. The court held that courts can no longer require a showing of prejudice as a condition to waiver the right to arbitrate. Having decided to seek dismissal of a claim, it will now be harder to subsequently seek to arbitrate, since the focus of waiver will now be on the actions of the party seeking arbitration rather than on any prejudice to the party resisting arbitration. Those seeking to arbitrate will now be wise to choose their initial dispute resolution strategy and forum carefully.

Further, Congress has shown a willingness to restrict the areas in which access to the courts can be waived in favor of arbitration. Congress passed the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, or EFAA, which became effective March 3, 2022. The EFAA makes pre-dispute arbitration agreements unenforceable with respect to a case relating to a sexual harassment dispute. To date, the EFAA has been broadly construed to ban enforcement of arbitration agreements in cases alleging sexual harassment.

Only time will tell whether mandatory pre-dispute arbitration agreements will become a thing of the past. While the FAA is alive and well and there still exists a liberal federal policy in favor of arbitration, Congress appears willing to limit the applicability of the FAA in some areas. Courts are nipping at the periphery, and even the world's largest online retailer, Amazon.com, has ceased using pre-dispute mandatory arbitration agreements.

Gregory S. Duncan has a solo litigation practice in Charlottesville, Virginia.

COMMENTARY

Continued From Page 40

benefits if they are terminated. That includes:

- The summary plan description, which outlines the rights of participants and beneficiaries.
- The summary annual report if available, which often contains important contact information.
- Earnings and leave statements like pay stubs.
- Individual benefits statements, showing the amount of money or value in retirement or pension funds.

Whether the definitive closure of a company through Chapter 7 bankruptcy or its survival through Chapter 11 reorganization, bankruptcy is a difficult process for employers and employees. Following ERISA rules and guaranteed plan rights can mitigate the impact on employees and reduce the company's potential for expensive and protracted litigation down the road.

John Joseph "J.J." Conway is a national employee benefits and ERISA lawyer and litigator and founder of Michigan-based J.J. Conway Law. As co-counsel, he successfully represented select municipal pensioners in the 2013 Detroit bankruptcy. ◆

OPINIONS

Continued From Page 10

followed by probation.

Julius appealed, arguing at the North Carolina Court of Appeals that the trial court erred in concluding the search was supported by probable cause. But a majority affirmed the ruling, relying mostly on the search incident to arrest exception to the warrant requirement and noting that officers had reasonable suspicion to search the vehicle.

Dissenting in part, Judge Lucy Inman said that the search incident to arrest exception did not apply to this case, as the driver was not arrested. In *Arizona v. Gant*, the U.S. Supreme Court held that officers could search an arrestee's person and the area within the person's immediate control if he or she was lawfully arrested. Police can search a vehicle related to a recent occupant's arrest if the arrestee is within reaching distance of the passenger compartment at the time of the search or if it is reasonable to believe that the vehicle contains evidence of the offense of arrest.

However, the North Carolina Supreme Court said in *State v. Brooks* that a search can be made before an arrest if the lawful arrest is made contemporaneously with the search.

The Appeals Court appears to have reasoned that the exception applied in this case because there was probable cause to arrest the driver, Justice Philip Berger Jr. wrote in the Supreme Court's majority opinion.

"However, the State presented no evidence at the suppression hearing that Kyle was ever arrested, let alone arrested contemporaneously with the search of the vehicle. The fact that an arrest could have been made at a later time is not enough; to justify this exception an arrest must occur," Berger wrote.

The Supreme Court also addressed the automobile exception, which generally means the police can search a vehicle without a warrant if there is probable cause to believe that it contains illegal materials. But, as the U.S. Supreme Court held in *California V. Carney*, it is "the ready mobility of the automobile" that distinguishes it from the higher degree of protection afforded to "stationary structures," the court noted.

Since this vehicle was in a ditch, this exception did not apply, Berger wrote. As for Julius's backpack, the police would not have had probable cause to search it or arrest her if not for the unlawful search of the vehicle. Therefore, that search was also unlawful.

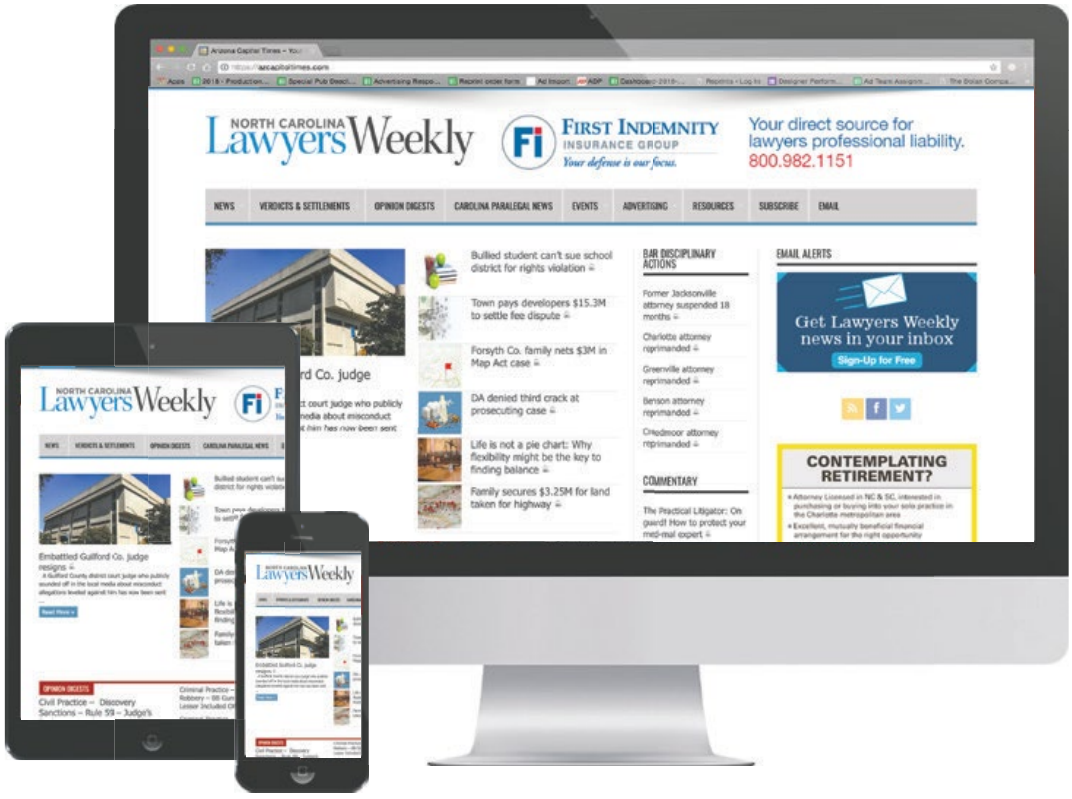
But Julius's argument that the evidence should therefore be suppressed did not convince the court. The prudential rule to exclude such evidence exists to deter police misconduct and negligence, and the U.S. Supreme Court has emphasized it should only be applied in cases "where it results in appreciable deterrence" and where the benefits of deterrence outweigh the costs. The trial court, in deciding that the search was lawful, never considered whether to allow unlawfully obtained evidence. Therefore, the Supreme Court remanded to the trial court to make that determination.

Chief Justice Paul Newby wrote a separate opinion concurring in part and dissenting in part. Newby said the need to immediately identify the hit-and-run suspect meant the search of the vehicle was justified. Witness statements that the driver had outstanding warrants added to the exigent circumstances, as officers did not know the nature of the warrants and the dangers the suspect posed to the public.

Assistant Attorney General William Walton, representing the state, and Assistant Appellate Defender John F. Carella, representing Julius, did not immediately respond to requests for comment.

The case is *State v. Julius*, 95A22. ◆

Start your research with North Carolina Lawyers Weekly.



Explore our archives of stories and case digests to find that decision you remember. Get copies of the full-text opinions you need. Research verdicts and settlements to compare what your case is worth or to see what experts have been used. It's all part of your subscription.

Explore our online resources today!
nclawyersweekly.com/subscribe

NorthCarolinaLawyers WEEKLY



PEOPLE IN THE LAW

SHOUT OUT YOUR PEOPLE ON THE MOVE!



People in the Law is North Carolina Lawyers Weekly's monthly advertising feature highlighting new hires, promotions, appointments and employee recognition announcements across North Carolina.

Reserve your accolade today and get your announcement in front of North Carolina Lawyers Weekly's influential business audience both in print and online.

Two Options Available

Standard Announcement:

◆ 400 Characters ◆ Headshot

Featured Announcement:

◆ 1,500 Characters ◆ Headshot

SUBMIT YOURS TODAY!

www.nclawyersweekly.com/people-in-the-law-nclw