

Practicing Law

Wake County Lawyers' Observations On Professionalism

The Wake County Bar Association/The Tenth Judicial District Bar
Professionalism Committee
Raleigh, North Carolina
2007

*Practicing
Law*

Wake County Lawyers'
Observations on Professionalism

The Preamble to the North Carolina Rules of Professional Conduct outlines the responsibilities of lawyers: responsibilities to clients, to the legal system, and to the community. This book is dedicated to the lawyers in Wake County – past, present, and future – who endeavor to follow these precepts in their daily lives.

The idea of collecting and publishing the insights of Wake County lawyers originated in the spring of 2004 in the joint Professionalism Committee of the Wake County Bar Association and the Tenth Judicial District Bar. Seventy-four lawyers have contributed to this book. Their experiences as lawyers range from over fifty years to less than one year of active practice. There are views from the bench, from practice in the public sector, and from private practice.

While the observations and advice from these multiple vantage points come together with remarkable consistency, these perspectives speak to us in various ways. Ann Reed recalls the kindness of Wake County attorneys in 1971 when she started practice as one of the few women attorneys in our judicial district. Nick Fountain lists eight pieces of wide-ranging advice. Sally Scherer shares an experience that continues to inspire her practice.

This collection reflects different times and different situations. Yet each observation affirms that the highest levels of skill, advocacy and integrity, balanced with collegiality and a sense of community, form the foundation of professionalism for lawyers in Wake County. We hope that its distribution to the 3900 lawyers in the Tenth Judicial District Bar will help preserve this foundation.

Please read and re-read this book with pages well-thumbed and margins marked at the passages that remind you of those ideals and practicalities that may help you in doing your best work. There are blank pages at the back to add the particular remarks and quotations that you likely have saved over time to help guide you professionally.

Grants and encouragement from the following groups have made this publication possible:

The North Carolina Chief Justice's Commission on Professionalism
Enhancing Professionalism Among North Carolina Lawyers

The North Carolina Bar Association Foundation Endowment
North Carolina Lawyers Serving the Public Interest

The Wake County Bar Association, Inc.
Founded in 1925

The Tenth Judicial District Bar of North Carolina

TABLE OF CONTENTS

ADVICE.....	3
EXPERIENCES.....	25
MENTORS	35
VALUES AND REFLECTIONS.....	49
OTHER RESOURCES	61
Creed of Professionalism	63
Principles of Professionalism.....	64
Recipients of Joseph Branch Professionalism Award	67
Personal Observations	68
ACKNOWLEDGMENTS	70
INDEX OF CONTRIBUTORS	71

ADVICE

A lawyer should strive to attain the highest level of skill to improve the law and the legal profession, and to exemplify the legal profession's ideals of public service.

From the Preamble to the North Carolina Rules of Professional Conduct

While we spend most of our professional lives advising clients, the highest standards of professionalism charge us to advise each other. The contributions in this section answer the professional commitment of sharing our learning and experience.

1. Be responsive. Return clients' telephone calls within twenty-four hours. It's their case and they deserve to hear what is happening with their case.
2. Try to do a good job first. Worry about the money second. If you do a good job, the money will come.
3. Know what the client wants. In the first interview with the client, ask how you can help. Sometimes what the client wants is not something we can deliver.
4. Manage the client's expectations. Be honest and realistic with the client about what you can do so that you properly set expectations right up front, even if it means losing the client. Inflated expectations on the part of the client can make a success look like a failure.
5. Don't live beyond your means. This is a business and we are entitled to receive only that which we have earned. Our expenses do not entitle us to use our client's money.
6. Be yourself with your clients. You didn't get to be a lawyer by being someone else. You won't get and keep clients by being someone else.
7. If you don't know, ask. Other lawyers are flattered when another lawyer thinks enough of them to ask their opinion.
8. Build your network. Get involved with legal and other professional associations. This can be a source of information, support, and opportunities as you build your practice.
9. Give back. This may be a challenge in the early years, but as you become established, be sure to share your knowledge and expertise with others in your community. Take a pro-bono case occasionally. Serve on the board of a non-profit organization. Do something for those who have not been as fortunate as you.

10. As a trial lawyer, be yourself. Speak from the heart. Passionately represent your client, but represent your client within the boundaries of your own style. It's good to watch other attorneys try cases, but take from those attorneys what you deem exemplary and mold it to fit within your own style of trying a case.

Cressie H. Thigpen, Jr., a partner at Thigpen Blue Stephens & Fellers, was the first African-American elected to the presidency of the North Carolina State Bar. He completed his undergraduate work at North Carolina Central University and received his law degree from Rutgers University School of Law.

Perhaps the advice that I remember best from my early days is that given to me by Robert C. Howison, the senior partner at Joyner & Howison, subsequently Hunton & Williams. He required that every lawyer in his office return phone calls from clients and other lawyers before he or she left the office for the day. No excuses – no one could be too busy to comply with this rule. I cannot tell you that I have followed this rule every day of my practice. I can tell you that I have tried my best to return phone calls as soon as possible, and every time that I have felt like avoiding a return phone call, I have remembered Mr. Howison's words. I received that advice twenty-five years ago and I believe that it is still good advice today. Return phone calls even if you don't have all the answers yet – a client will understand that you are still working on something; he or she will not understand your not calling back. The same thing goes for returning calls to other lawyers. Return the phone call – give opposing or co-counsel the courtesy of a reply; if you have not gotten to the matter yet, they will understand because they have been there themselves. Courtesy to our clients and fellow lawyers is one of the things that allows us to call ourselves professionals.

Stephani W. Humrickhouse, a bankruptcy lawyer with Nicholls & Crampton, is a 1980 graduate of the UNC Law School and was a member of the Grievance Committee of the Tenth Judicial District Bar in 1996–1998.

Let me share with you the two best pieces of professional advice I received. One came from Jack Greenberg, the then-director of a legal defense fund in New York, as I contemplated leaving New York in 1970 and going to Greenville, North Carolina, to set up a solo practice. Jack said: "Two lawyers are four times better than one. Having another lawyer there to brainstorm with you makes you a better and a more confident

lawyer. You will be alone in Greenville. Go to Charlotte and join Julius Chambers' law firm." My advice to you is this – even though you are brilliant, find a mentor, someone who will brainstorm legal issues with you and tell you where the potholes in the road are.

Less than two months after Jack Greenberg gave me that good advice, I went to Charlotte to practice with Julius Chambers. Chambers' advice was this: "Try every case against every lawyer as if you will have to try every case against that same lawyer for the rest of your life. That lawyer needs to know that your word is your bond – that you can be trusted. Be courteous, civil, and professional."

Regrettably, you will, during the course of your career, run into lawyers who believe Chambers' sound advice is a sign of weakness. They are like George, the elementary school bully. When the teacher asked the bully George, "What would your classmates think of you if you were kind, polite, and followed the rules?", George promptly replied, "They'd think they could beat me up." I'm telling you, civility, integrity and professionalism are the hallmarks of our learned calling. They are not signs of weakness.

You will find lawyers who practice negative gamesmanship rather than positive professionalism – lawyers who engage in Rambo-type tactics, who seemingly intentionally misconstrue everything you say, and who'd rather file Rule 11 and Rule 37 violations than eat ice cream. Make sure you don't descend to that same level of negative practice with a tit-for-tat response. Just be well prepared, and the Rambos will know they can't beat up on you.

I've been practicing for over thirty-five years and can recall only two or three times when I was in court to resolve a discovery dispute. So, don't let anyone tell you that disputes cannot be resolved in a just, dignified, courteous, and efficient manner.

That leads me to my next bit of advice. You've worked too hard, and come too far, simply to rest on your laurels of having passed the bar. The true professional thoroughly prepares his or her case. I've met thousands of lawyers more brilliant than I, but I can only recall two instances in which I've ever left a courthouse feeling that the other lawyer had prepared that particular case better than I. That sort of professional pride in your work will allow you to sleep at night even when you've lost the case.

Charles L. Becton is a plaintiff's lawyer with Becton Slifkin & Bell. He is a 1969 graduate of Duke Law School, a former judge on the North Carolina Court of Appeals, and a lecturer at UNC and Duke Law Schools.

1. Clients don't hire us to pick a fight but to solve their problems.
2. Clients want to buy a service or a product – not simply hours of time.
3. Some of our best and least publicized work is in the form of the cases we decline, the prosecutions we refuse, or the resolution before suit.
4. More can be learned about another lawyer in a thirty-minute basketball or volleyball game than in several cases.
5. Always pick up the phone before filing a motion critical of the other lawyer – there is usually another side.
6. Spend as much time as possible with older lawyers and judges and tolerate their stories and jokes – lessons for life as well as law practice come from all of them.
7. Lawyers who can't be trusted live hard in this town – once earned, that reputation is hard to shake.
8. Finally, I think it was Boss Tweed of Tammany Hall fame who said: "Lawyers are more fun to be with, to eat with, to drink with than most any form of humanity."

John N. (Nick) Fountain is an administrative law attorney and a mediator with Young Moore & Henderson. A 1968 graduate of Wake Forest University School of Law, he has served on the North Carolina Bar Association Board of Governors, was president of the Wake County Bar Association/Tenth Judicial District Bar, and presently serves on the State Bar Council.

Although it may not have been taught in law school, you should be familiar with a rule that will serve you well as you embark on your practice – the Golden Rule – and its corollary, the rule of "What goes around, comes around."

Your relationships with other lawyers with whom you will have daily and professional conduct are all-important to your ultimate enjoyment of the practice. Take advantage of opportunities to get to know your fellow lawyers by joining and participating in bar organizations. Attend bar social functions. Participate in bar sporting leagues.

Get to know the lawyer on the other side of the lawsuit or transaction you are handling – in person. When your relationship with your opponent is solely a paper relationship, it is tempting to demonize him or her and react in kind when you receive that onerous

set of discovery, that frivolous motion, or that deposition notice out of the blue. When that same opponent is someone with whom you've served on a bar committee, or with whom you've shared a meal, you are more likely to pick up the phone, talk through your concerns, and reach an accommodation. When that is the result, you have saved your time, your client's money, perhaps avoided a potentially contentious hearing, and perhaps as important, eliminated elements of stress from your handling of the matter.

Beyond the practical implications, lawyers are (with some exceptions) good people, with interesting lives and families, who are fun to be around outside of the setting of the practice of law. Many of my best friends with whom I socialize regularly are lawyers – either classmates from law school or folks I have met through the practice and through bar organizations. Developing lifelong friendships with your fellow professionals is one of the most rewarding benefits of holding the license to do what we do.

Richard T. Boyette is an insurance defense lawyer and mediator at Cranfill Sumner & Hartzog. He is a 1977 UNC Law School graduate, a founding director of the National Foundation for Judicial Excellence, and served as president of the Defense Research Institute in 2004–2005.

Advice I would give to a new attorney is that (1) You don't have to be difficult to get along with in order to be an effective attorney for your clients (No, you don't always have to check with your client in order to grant an extension of time); (2) Always measure your legal claims and defenses against common sense; and (3) As Jim Billings stated many years ago at a seminar I attended, be sure to take some time to "smell the roses" during the practice of your profession.

John L. Shaw is a construction lawyer, mediator, and arbitrator at Poyner & Spruill. He is a 1969 graduate of the UNC School of Law and the 2005 recipient of the Evelyn M. Coman Award for Distinguished Service in the field of Construction Law.

1. Be trustworthy. This means be honest in your representations and commitments to other lawyers and the court. Don't deny you said something when you did, especially when opposing counsel has relied upon your representations. Once you have lost credibility with other lawyers, it will be very difficult to regain it.
2. Don't play "hide the ball" with opposing counsel. This means be forthcoming in discovery and require your client to do so. Also, be honest in exchange of trial exhibits.

A claim of “inadvertence” in failing to provide discovery or exchange trial exhibits will affect your credibility with opposing counsel and the court.

3. Do not embarrass, humiliate, or attempt to make opposing counsel look foolish in court no matter what the act or omission.
4. Do not oppose continuances based on personal necessity where there is no genuine injury or prejudice to your client.
5. Do not file Rule 11 motions against opposing counsel without much deliberation and certainty as to the result. These charges bring a lawyer’s integrity and reputation into question, generally require notification to the lawyer’s malpractice insurer, and cost the recipient significant sums of money to defend as well as anxiety and stress. Rule 11 is not a litigation tool; it is an attack on a lawyer’s integrity and professionalism.
6. Do not advise your client in an area of the law with which you are not familiar. Refer the question to a knowledgeable lawyer in the field.
7. Do not make baseless objections at trial. If you make an objection at trial be sure you can articulate the appropriate rule of evidence and the basis of the objection under the appropriate evidentiary rule.
8. Know the rules for objecting at a deposition and do not instruct your client not to answer questions at deposition unless the answer would disclose privileged information.
9. Study, know, and apply the applicable Local Rules and Rules of Civil Procedure.
10. Be polite in your exchanges with other lawyers. Do not be accusatory, arrogant, or rude.

Carole S. Gailor, a board certified family law specialist and a family financial mediator with Gailor Wallis & Hunt, is a fellow in the American Academy of Matrimonial Lawyers.

Advice which I received from a senior lawyer years ago, which I can now only poorly paraphrase, goes a little something like this: “Try to be excited about coming to work every day and about going home every night.” The draw of intellectual stimulation, client service, public policy improvement, and economic opportunity present attorneys with a veritable embarrassment of riches. That senior lawyer’s advice helps us to have the

courage to pursue our professional passions, while maintaining balance in our personal lives.

Julian D. (Bo) Bobbitt, Jr., is a health care lawyer with Smith Anderson Blount Dorsett Mitchell & Jernigan. He is a 1977 graduate of the University of Virginia Law School.

Shortly after becoming employed by the North Carolina Attorney General's Office, I joined the Wake County Bar Association. In the early 1970s, the WCBA was only a fraction of its current size, which enabled me to meet most of the members of the bar. When I left the Attorney General's Office in 1976, I asked some of the leaders of our bar if they had any advice for a young attorney beginning private practice. Everyone I contacted was helpful, but the words of wisdom from Charlie Blanchard contained advice I still try to follow. He said, "Try to stay on an even keel; don't let the victories let you get too high, or the defeats too low." Good advice from a terrific lawyer.

John M. Silverstein is a real property and administrative law attorney with Satsky & Silverstein. He is a 1971 graduate of the UNC Law School and was president of the Wake County Bar Association/Tenth Judicial District Bar in 1994.

COLLEGIALITY

One of the first times I went to court for a hearing was on our motion to strike plaintiff's prayer for attorney fees. The partner I was assisting had me prepare a brief and let me join in the argument. Our motion was allowed, so I felt as if we had carried the day, even if the judge also allowed the plaintiff's countermotion to strike our client's copycat claim. When the hearing was over, my mentor turned not to congratulate me, but to opposing counsel, whom he invited to join us for lunch.

Being zealous means representing the client well, but it does not mean being difficult, unpleasant, or rude. It also means that when the contest is over, be it a simple motion hearing on an ultimately insignificant issue or a closing argument, you can turn to opposing counsel and suggest lunch.

NO BALONEY

Howard Manning, Sr., usually punctuated my assignments with the admonition, "Don't write me a law review article." I, a law review reject, was flattered that he thought I could. Over time, I realized he wanted more than mere brevity. He wanted concise

writing: a straightforward statement of facts, a clear statement of the controlling legal principles, an uncomplicated legal analysis. He didn't want baloney.

This lawyer had a gift for communication. He was not only a very good writer but also an excellent speaker. Once, as I listened to him give an address, the person beside me remarked that he really had "*It*." His style compelled his audience to sit up and listen. He persuaded them quickly. After his thesis was out on the table, the purpose of the rest of the argument seemed to be merely to remove any doubts by explaining how well his case fit within established law.

But it was not always just so. I also heard him make arguments when the law was not clear or was not on his side. In those circumstances, he was careful never to overstate his case. He would make a compelling argument on the facts, and say, "Judge, that's what we have. I know you'd like to have more law to support your decision, but that's all there is in North Carolina." He never, ever, tried to stretch the facts to fit the law. He knew, and told me confidently, that legal decisions were based on the facts.

He expected that if there were a case that fit the facts closely, it would be found reasonably quickly. After that, research time more likely would result in a sterile, if not aimless, dissertation about the law rather than a helpful application of legal principles to the facts at hand. He taught young lawyers to present the facts of a case forcefully and to support the argument with cases, but not to draw out the argument unnecessarily. In other words, no baloney. Don't compromise the credibility of good facts with humbug.

TAKE CARE OF YOURSELF

The NCBA conducted a quality of life survey around 1990. It uncovered some scary statistics related to the stressful lives of lawyers. My naïve thought had been that people who suffer in mind and spirit asked for help, especially when they could afford it. The survey results revealed that lawyers experience depression and mental disorders at a disproportionately high rate compared to the general population and that they were not doing enough about it.

BarCares was one of the outcomes of that survey. It is a program created by the WCBA through which lawyers and members of their families may periodically receive free counseling. The State Bar's Lawyer Assistance Program is another resource that helps lawyers cope with stresses and personal crises that could – no, would – otherwise lead to unfortunate consequences like substance abuse, malpractice, and a meager quality of life.

It's okay to want to be happy. Take care of yourself. You, your family, friends, clients, and colleagues will all benefit.

John I. Mabe, Jr., is a construction lawyer with Williams Mullen Maupin Taylor. A 1980 graduate of the UNC Law School, he has served as president of East Central Community Legal Services, was a member of the North Carolina Bar Association Board of Governors, and is president-elect of the Wake County Bar Association/Tenth Judicial District Bar.

Become involved in either your local or state bar associations, and give of your time to the community or to pro bono legal services, and most importantly, when doing so, approach these with the same enthusiasm, energy, vigor, discipline, and professionalism as you do matters for which you are being paid. To do less reflects poorly on you and the profession and is a grave disservice to the organizations or persons you are attempting to serve pro bono.

William S. Cherry, Jr., a banking and real estate lawyer with Poyner & Spruill, graduated from Wake Forest University School of Law in 1975, and served on the North Carolina Bar Association Board of Governors from 1994-1997.

We've all heard it at one time or another: WHEN THE HORSE DIES, GET OFF. I used to have this slogan on a sign in my office. New attorneys, and those who have been in practice for years, need to recognize a dead horse when they ride one. This is one of the hardest things to do in our earnestness to be zealous advocates and our unwillingness to admit that our case has serious legal and/or factual flaws. It also applies when you've said all that can be said or needs to be said about a particular issue. Speak fewer words, make good analogies, and make them all count. It's a much more effective and successful way to practice law.

The Honorable Shelley H. Desvousges is a district court judge in the Tenth Judicial District. She is a 1987 graduate of the UNC Law School.

Always be candid and forthcoming with the court, even if it is painful to do so at the time. In the event that you “misstate” or “leave out” a material piece of information or the applicable law, that misstatement or omission will inevitably become known and come back to haunt you.

As a consequence of that conduct, you will lose the trust and respect of opposing counsel, the court and of equal, if not greater, importance, you will have hurt your client’s case – the sole reason you are in court in the first place.

The Honorable Howard Manning is a superior court judge in the Tenth Judicial District. He is a 1968 graduate of the UNC School of Law.

In reflecting upon professionalism, a goal to which all attorneys should aspire on a daily basis, the word “respect” comes immediately to mind. It is extending to all persons with whom we come into professional conduct the presumption that they are entitled to our utmost respect, until such time that we are shown unequivocally that they are not entitled to that respect. It is my belief that such respect should be communicated at the inception of every professional engagement and by doing so the practitioner is epitomizing professionalism and engendering thereby professionalism within the bar.

Thomas C. Worth, Jr., is a land use attorney and mediator. He is a 1969 graduate of Duke Law School.

When you first begin practicing law, value your reputation as an honest and ethical attorney as your most important asset. Clients and cases will come and go; the opinion of other lawyers, and the public, as someone who can be trusted will be with you forever and, quite frankly, a good reputation enables you to conduct your business with a lot less stress.

Advice that has helped me came from Howard Manning, Sr., when I first began practice – “Every case has a theme; take the time to write out a chronology of events and a story with a pattern will eventually emerge – that is your case.”

Catherine C. McLamb is a partner with The Wake Family Law Group. She is certified as a family law specialist and as a family financial mediator. She is a 1975 graduate of the UNC School of Law.

Your clients may recognize that you have many cases in your office, but they only care about one – the one you are handling for them. Therefore, treat every client as if his or her case is the most important matter in your office.

Melvin S. Wright, Jr., is Executive Director of the Chief Justice's Commission on Professionalism and an adjunct professor of Professional Responsibility at UNC School of Law. He is a 1973 graduate of Wake Forest Law School and was awarded the Wake County Bar Association's President's Award for Excellence in 2002.

BE GUIDED BY PERSONAL CONSCIENCE AND THE APPROBATION OF PROFESSIONAL PEERS.

This admonition from the preamble to the Rules of Professional Conduct is a recipe not only for a better night's sleep, but also for more effective client representation. Many prospective clients will say they want a mad-dog litigator, and there are always lawyers who will wear that persona to attract business. But once the case begins, that approach simply doesn't work very well. While Raleigh and North Carolina have grown in size and sophistication over the past few decades, most litigators still practice day-to-day against many of the same lawyers and law firms and before the same judges. A hard-ball reputation will precede you, and no quarter will be given, as none will be expected. More plainly, no one likes a bully – including opposing counsel, judges, mediators and juries. If the case is worth litigating at all, there are ambiguities to be resolved by negotiation or by neutral third parties. Cases are won when you are prepared and tenacious and, through your presence, cast the most appealing light on your client and your case. Credibility and integrity are assets, not liabilities, in achieving those ends. Plus, you get that good night's sleep in the bargain.

John L. Sarratt is a commercial litigator and a mediator at Kennedy Covington Lobdell & Hickman. He is a 1972 graduate of Harvard Law School and served on the Board of Governors of the North Carolina Bar Association from 1989–1992.

I have talked to approximately twenty-five attorneys about this and what unanimously is said boils down to this: Treat others (clients, other attorneys, staff, etc.) the way you want to be treated – Do unto others as you would have them do unto you.

George M. Anderson is a criminal lawyer at the Anderson Law Offices. He is a 1950 graduate of Wake Forest Law School and is a founding member of the Senior Survivors.

North Carolina's governors, legislative leaders and other high state officials have benefitted from Andrew Vanore's great practical wisdom for four decades. So too have countless young lawyers in the Attorney General's Office. Soon after joining that office in 1971 – and perhaps because I was brimming with the confidence of a new lawyer with his first victory under his belt – Andy came to visit. He said, "The first time you are headed to court and are not anxious or nervous, give me a call because you are about to mess up," or words to that effect. There are two lessons in that little nugget. The first, of course, is the high correlation that exists between over-confidence and the lack of preparation. The more subtle but more important lesson is that the advice and perspective of our colleagues at the bar is our greatest resource.

Edwin M. Speas, Jr., is a litigation and government affairs lawyer with Poyner & Spruill. He is a 1971 Wake Forest Law School graduate and was North Carolina Chief Deputy Attorney General from 1998–2003.

I've been a district court judge for almost twenty years. The advice that has helped me most as a judge did not come from a living person. Socrates once said the characteristics of a good judge include the ability "to hear courteously, to answer wisely, to consider soberly and to decide impartially." I keep a copy of that quote attached to the back of my nameplate on the bench as a reminder of what I should strive to do each day I serve as a judge.

I would advise a new attorney to find a good mentor. You learn the law in law school, but you learn the practice of law from other lawyers. Pick a good mentor so you can learn from the best. It will save you time and money in the long run and make you an asset to the legal profession.

The Honorable Joyce A. Hamilton is the Chief District Court Judge in the Tenth Judicial District. She is a 1975 graduate of the UNC Law School.

-
- a. Remember you are a professional first and a businessperson second.
 - b. If you have to question whether something is right in your own mind, it probably is not.
 - c. There is nothing special about a lawyer that is any different from any other person that has specialized knowledge, whether cook, auto mechanic, teacher or other.
 - d. Treat everyone in a courtroom or courthouse as if they are your equal or better and you and your client will reap the reward.
 - e. Always do what is right, no matter what the cost is to you.
 - f. Always do your best.

If you care more about the quality of your work and the depth of your heart, the money will come. If you care more about the money, you will be a failure as a person and a lawyer.

Joseph B. Cheshire V is a criminal defense lawyer at Cheshire Parker Schneider Bryan & Vitale. He graduated from Wake Forest University School of Law in 1973 and has served on the North Carolina Bar Association Board of Governors.

1. Stay on the High Road.

When facing an adversary who engages in arrogant and contemptuous behavior, respond by showing restraint, competence in the subject matter, firmness, civility and dignity. Volatile situations may be diffused with kindness, which does not equate to weakness. Staying on the high road requires careful maneuvering because unexpected bumps, potholes and wicked turns created by an unsavory adversary seek to place you on a sloping and treacherous shoulder. On balance, resisting the strong gravitational pull of gutter tactics produces far greater results for you and your client. Maintaining a level head and being well prepared on controversial legal issues are key tools for staying on the high road.

2. Refrain from Using the Win-at-Any-Cost Approach.

Compliance with high ethical standards established for the legal profession promotes the development of a positive reputation for integrity and fairness. Departing from this concept may allow one to win the battle, but lose the war. Litigating aggressively is understandable, but hitting below the belt crosses the line of fair play and results in the assessment of a foul. No responsible attorney aspires to be known as that SOB (an acronym which does not mean sweet old buzzard) litigator. Ethically bankrupt practitioners, who believe in winning at any cost, will fail to earn the trust and respect of their colleagues, members of the judiciary, and the public. In distinct contrast, an attorney's valuable reputation for integrity and fairness is insulated by exercising prudent judgment and adhering to ethical guidelines.

3. Remain Resolute in Repudiating Insensitive and Disparaging Remarks.

The legal profession strives to promote inclusiveness, justice, and equal opportunity for all. As leaders in our respective communities, attorneys have a greater responsibility to implement this noble and fundamental principle through constructive, not destructive, action. Meaningful efforts that assist our profession in promoting this principle reap substantial benefits for our communities, which are becoming more ethnically diverse. Turning a deaf ear to ill-advised comments that are laced with bigotry, sexism and ignorance, especially those made by public officials who are licensed attorneys, undermines the ability of our government to serve its citizens equally, regardless of their race, gender or economic status. For us to demonstrate a commitment that surpasses idealistic rhetoric, such comments must be promptly challenged and resoundingly repudiated.

Reginald L. Watkins is an attorney with the North Carolina Department of Justice. He is a 1975 graduate of the UNC School of Law.



I offer this advice. In your life, be honest, non-hypocritical, courteous and friendly to all, and hard working. If you do this and have children, one or more of them may become lawyers. If so, they will be far ahead in the area of professionalism because of the role model you provided.

I have never been afraid to ask for help if I felt insecure about something in my practice, and the best lawyers are never hesitant to listen and to help. I have also told many lawyers who were down on the profession or the work they were doing to remember the

only legitimate reason we became lawyers was to serve in a profession. This is how we should all measure our success, the way we serve others who need our help.

I am also a firm believer in the “walk softly but carry a big stick” theory. Only use that stick as a last resort.

Howard P. Satsky is a business and commercial real estate attorney with Satsky & Silverstein. He is a 1969 graduate of the UNC School of Law, and served the Tenth Judicial District as a member of the State Bar Council from 1992–2000.

There is no substitute for the opinion of your peers that you possess personal integrity and have their respect for your ability to represent your client(s) with dignity and courtesy. In over twenty-six years of practice, primarily in the area of litigation, I have encountered many attorneys who apparently felt that being offensive and aggressive, displaying an attitude of personal animosity toward counsel of the opposing party, would somehow advance the interests of their clients. I have never seen this strategy succeed. If attorneys engaged in oral and written communications with opposing counsel and behaved in depositions and other encounters with the opposing side as if they were always in the presence of the judge or jury who would ultimately decide the dispute, I believe that disputes could be more quickly and justly resolved, and their clients better served. It would also greatly enhance the quality of the experience of the practice of law.

John B. Meuser is a labor and employment lawyer. He is a 1978 graduate of the UNC School of Law.

Each year at “Baby Judges School” I urge new bankruptcy judges to follow Horatio’s sage advice to Hamlet. “If your mind dislike anything, obey it.” William Shakespeare, *Hamlet, Prince of Denmark* (V, ii).

Hamlet disregards Horatio’s advice and consequently meets his death. One must follow the law, but in addition, I would say “Don’t be pressured into doing something that doesn’t feel right, even if you can’t articulate why.”

The Honorable A. Thomas Small is a judge for the United States Bankruptcy Court of the Eastern District of North Carolina. He is a 1969 graduate of Wake Forest University Law School and served as chair of the Advisory Committee on Bankruptcy Rules from 2000–2004.

Our profession is under a great deal of stress. I advise young attorneys that we can regain the trust of our citizens if we make the interests of clients our first priority. Attorneys must understand that a client's best interest is more important than money.

I also tell young attorneys that it is extremely important that they recognize professional services that they are not qualified to perform. In over forty years, this is the most serious problem that I have seen in our profession. We need to refer matters that require specialized knowledge to qualified attorneys.

Gerald L. Bass is a criminal defense lawyer. He is a 1962 graduate of the UNC School of Law and served on the Wake County Bar Association/Tenth Judicial District Bar Board of Directors from 1986–1987.

1. Don't go home angry with anyone.
2. Don't allow yourself to be distracted – concentrate only on one thing at a time.
3. Give your very best effort on each and every thing you do, with no compromises on quality.
4. Don't over-promise.
5. Make every effort to treat each and every client as if he or she were the only client you have.
6. Return all phone calls and e-mails within the same business day, or if that's not possible, within twenty-four hours. Otherwise, assure that clients know when you will be available at all times.
7. Remember your manners. Treat others as you would like to be treated.
8. Value an expeditious response to a client, but not at the expense of the quality of that response.

9. Appreciate the possibilities of the written word in all its dimensions and assume, in every case, that someone other than your client will read everything that you write.

10. Never, ever compromise your integrity.

Robert L. Wilson is a health care lawyer with Smith Moore. He is a 1981 graduate of Wake Forest Law School.

Lawyering is a noble profession. Visiting colonial America, Alexis de Tocqueville said in his famous commentary *Democracy in America* that he believed the American “aristocracy” was to be found not among the rich but in the bench and bar. Nearly two hundred years later, in *Smith v. Bryant*, 264 N.C. 208, 211 (1965), our Supreme Court, echoing Tocqueville, said, “The attorney’s obligation crystallizes into one of the noblesse oblige,” suggesting that we as lawyers in a noble profession have obligations beyond those who labor in other walks of life. In the end, that boils down to the difference between doing things right and doing the right things. We can be superb legal technicians, doing things “right” within the letter of the law, yet still not be fully professional unless we’re doing the right things such as treating those with whom we deal with respect and civility and engaging in public service to our community and profession. The privilege we’ve been granted to participate in this noble profession requires nothing less.

Michael E. Weddington is a commercial litigator and mediator with Smith Anderson Blount Dorsett Mitchell & Jernigan. He is a 1973 graduate of Duke Law School and has served as a member of the board of directors of the Wake County Bar Association/Tenth Judicial District Bar.

Always be a guardian of the integrity of the profession equally with achieving results for clients.

Never bash opposing counsel and always avoid abrasive confrontations.

Build a record instead of destroying your opponent.

Be tolerant of and patient with those who differ with you.

Be more interested in your client's case than playing to the audience.

First light on, last light out can affect the quality of life both personally and professionally.

The Honorable Robert L. Farmer is a retired superior court judge from Wake County and is a mediator and arbitrator. He is a 1960 graduate of the UNC School of Law and is a recipient of the Joseph Branch Professionalism Award.

1. In all worthwhile civic and professional activities, experienced lawyers should seek to involve young lawyers. By working diligently to promote deserving younger lawyers for membership in and for leadership positions of local, state, and national professional and civic organizations, experienced lawyers can pass on the legacy of service to the community.
2. One of the lessons that is probably hardest to learn, but the most important to remember is the old saw, "You catch more flies with honey than with vinegar." You can zealously represent your client and remain civil throughout a case. Even when opposing counsel takes a harsh tone, I remember the lessons taught by several experienced lawyers whom I greatly respect. I count to ten, then refuse to lose my civil tone. I will not back down, but I also do my best to keep my client's best interests in focus and remain civil at all times.
3. Clients do not always understand why and how lawyers can and truly must remain civil to one another. As has been explained to me in the past, it is important for lawyers to be able to do battle in the courtroom, then go out for a beer afterwards. As lawyers with, we hope, long careers ahead of us, we will have to work with (and against) the opposing attorney frequently and need to maintain a civil relationship for the purpose of assisting not only the current client, but the next client as well. Burning bridges will only make your career harder.
4. It is vital that lawyers of all ages be able to respect their peers, older and younger. Other lawyers may elect to argue a position that you feel is frivolous, but if they do it well, then you can bet that their client has taken a hard-nosed stance and the attorney is simply doing the best he can with what he has been given to work with.
5. Never lose sight of the role of counselor. Too often of late, I have seen instances where counsel seems to have adopted his or her client's position as if it were the lawyer's own. To a degree, that is exactly what we must do to offer zealous representation, but it is

important to temper that position with the fact that the lawyer is also the counselor, the disinterested party in the room who can be the devil's advocate to his or her own client as necessary to bring realism into the situation.

Nan E. Hannah is a commercial and construction lawyer with Vann & Sheridan. She is a 1993 graduate of Washington and Lee School of Law. She is a member of the Wake County Bar Association/Tenth Judicial District Bar Board of Directors (2006–07).

When you serve papers on opposing counsel, routinely take an extra step to be sure what you served was actually received. For example, when you put a deposition notice or interrogatories in the mail, send your opponent an extra copy by e-mail or fax, or just give that person a call to be sure it was received. In the long run, this will save you and your clients a lot of time and expense and it helps prevent misunderstandings.

Robert W. Spearman is a commercial litigator with Parker Poe Adams & Bernstein. He is a 1970 graduate of Yale Law School and was a law clerk to Justice Hugo Black of the United States Supreme Court.

Openly admire other lawyers, great and small, if they are honest, dedicated, and seek a just result. Then, be as good as your word rather than take pride in out-maneuvering your opponent.

Wright T. Dixon, Jr., is now retired from Bailey & Dixon, the firm he helped form by joining I. M. Bailey in 1954. He is a 1951 graduate of the Law School of the University of North Carolina at Chapel Hill. Wright has held numerous leadership posts in the Wake County, Tenth Judicial District, and North Carolina Bar Associations, as well as the North Carolina State Bar.

EXPERIENCES

Lawyers play a vital role in the preservation of society.

From the Preamble to the North Carolina Rules of Professional Conduct

We can all think back to that something or other that we observed in the courtroom, in our law practice, or in our lives that struck us in a way so that the experience has continued over time to inspire or instruct us. This section contains some of those epiphanies.

Several years ago I observed a loudly boasting and bullying lawyer in a crowded area outside the courtrooms on the eighth floor of the courthouse. I watched as the witnesses, various parties to pending actions and other lawyers, all waiting for an elevator, stared at this lawyer with pained expressions, a few shaking their heads. If only we all could see ourselves as others see us. A further step leads us to a question that may have great significance to the practice of law: What impact do my actions have on others?

When I started practicing law I thought everyone knew so much more than I knew and that judges knew everything (which still may be true). I was constantly thinking about what I didn't know and how to do those things I did not know how to do. As the years went by I eventually became comfortable in the courtroom and in dealing with other lawyers. So comfortable, in fact, that one day I realized that I had forgotten how uneasy I once had felt. Then it hit me . . . the people I represent who had never set foot in a courtroom, those who had never been to a lawyer's office before, surely they must feel even more uneasy and more frightened than I ever had! At least I was in the "club" when I started in my career; I was a member of that group that had a monopoly on representing people in and out of the courtrooms, a group I was bonded with by this thing called a "law license." I had become so inured to the dynamics and events and duties of "lawyering" that I had forgotten how this strange world of the law was seen by newcomers and outsiders. I had become numb to how they must be responding to what was going on. I promised myself I would try to see through my clients' eyes. Since then I always try to ask myself what impact am I having on others.

I never take for granted that I am a lawyer. We lawyers are in a special position and are in a special place. We have been granted a special license to work in a sometimes surreal world to which we can easily become jaded, calloused, inured, often fenced in by odd, sometimes archaic and convoluted, rules and procedures. When we conduct our affairs we always make ripples and waves in a pond. Whatever we do reflects not only on ourselves but everyone else who has a license to practice law. It is easy to forget or to fail to be aware of the power and significant influence we have over others when we may feel powerless and when we do the same things over and over until these duties and responsibilities become rote.

The experience of my reaction and of watching the group's reaction to the behavior of the lawyer at the courthouse continues to remind me of the influence lawyers have

– even when they may be unaware of that influence. I have often wondered if that lawyer, who was carrying on so unappealingly on the eighth floor of the courthouse, ever realized how he was presenting himself, if he ever reflected on the impact he had on others and if he ever thought that no matter what he does or where he goes, that how he is seen by others as a lawyer affects all lawyers.

John Hill Parker served as a district court judge in Wake County from 1976 until 1982. Since that time he has practiced family law at Cheshire Parker Schneider Bryan & Vitale. He is a diplomate in the American College of Family Trial Lawyers and a fellow in the American Academy of Matrimonial Lawyers.

While I was employed at the Attorney General’s Office in the 1970s, staff attorneys represented the State in criminal appeals before the North Carolina Court of Appeals and North Carolina Supreme Court. In 1976, I was summoned to the office of then Attorney General Rufus Edmisten to discuss an appeal. It was unusual for the Attorney General to be involved in the assignment of appeals, and I soon discovered why this one was different – the attorney handling the case for the defendant in the Supreme Court would be Edmisten’s former boss – recently retired United States Senator Samuel J. Ervin, Jr.

I immediately gained a full understanding of what “fear and trepidation” means. Not only had Senator Ervin served as an Associate Justice on the North Carolina Supreme Court, he had gained national prominence in the Senate as Chairman of the Select Committee investigating the Watergate break-ins. My fears became even more palpable when I reviewed the record on appeal and researched Senator Ervin’s brief. The principal issue in the case would turn on the interpretation of a 1954 Supreme Court decision written by Associate Justice Samuel J. Ervin, Jr.

On the day the case was assigned for oral argument in the Supreme Court, all seats were taken and three walls of the courtroom were packed with spectators, news reporters and court personnel, all to see and hear Senator Sam. At the conclusion of the arguments, Senator Ervin and I shook hands, and a retinue of media representatives and Ervin watchers followed Senator Ervin out of the courtroom. Senator Ervin went to the right followed by the throng, while I turned to the left, followed by my wife.

As my wife and I stood at the end of the hallway watching Senator Ervin’s impromptu press conference, I realized that it was totally presumptuous for me to even think that anyone in that courtroom would have the slightest interest in talking to me. It was an appropriately humbling experience. I did take away something from that experience that

was much more valuable than fame or attention. From time to time over the ensuing twenty-nine years, I have remembered the one hour that Senator Sam Ervin was my opposing counsel in the North Carolina Supreme Court. We worked on the same case, and I had the opportunity to speak with him at a reception afterwards. What a memorable experience for a young attorney!

John M. Silverstein began his practice with the Attorney General's office and has been in private practice at Satisfsky & Silverstein since 1976. He has served as president of the Wake County Bar Association/Tenth Judicial District Bar, received the Joseph Branch Professionalism Award, and is a State Bar councilor.

I'd been trying criminal cases in Superior Court for a couple of years and thought I knew everything, of course. I'd had only one "Not Guilty" verdict out of dozens, and that case was a loser from the beginning. On this day, I called an armed robbery case for trial. The victim was a retired school teacher who had befriended the defendant when the victim did volunteer work at a soup kitchen (a "dream" victim – entirely credible). Although the victim didn't get a good look at the person who robbed him at gunpoint, the victim did recognize his voice and his build and the way he walked/ran away. The defendant also had a prior conviction for robbery. I was well-prepared for the case, but I was in a hurry to get to the next zillion cases, so I zipped through jury selection. Who wouldn't believe this retired school teacher? I presented my case, the defendant presented an alibi witness, and I did nothing on rebuttal, which would have taken me all of thirty minutes at most. I thought no one would believe this alibi witness. NOT GUILTY was the verdict. In talking with the jurors after the trial (trying to figure out what in the world they were thinking), I realized that many of them had backgrounds which required information on ALL the details, and many had been watching too much TV. I didn't do enough in jury selection to talk about criminal cases in the real world (as I usually did), and I hurried the case along. I learned an invaluable lesson about trial work and about preparation. Take your time, and TAKE CARE OF THE ENTIRE CASE.

The Honorable Shelley H. Desvousges graduated from the University of North Carolina School of Law in 1987 and has served on the Tenth Judicial District court bench since 2003.

As a young lawyer, practicing in a new job and essentially by myself, I filed a case that I later learned had a potentially fatal flaw in the pleadings. The situation was worsened by the fact that the statute of limitations had expired. While sitting in court one day for another case and lamenting to a peer about the motion to dismiss that I knew was

coming, it must have been pretty evident to anyone in the courtroom within earshot that I was floundering with how to get out of the mess I had created and that I was terrified of the consequences.

Leaving the courtroom, I got on the elevator with several others. An experienced lawyer, whom I later learned was Ron Dilthey, looked at me and said, “Have you ever thought about a voluntary dismissal and refile?” At that time, I did not know Ron and I’m sure he did not know me. I doubt that he remembers the incident. What I learned of lasting importance was not the procedural tactic, but that, despite the combative nature of the law, taking a few moments to help a new lawyer is the way our profession builds itself. I have tried to remember to do that throughout my career.

Michael R. Ferrell, county attorney for Wake County since 1979, graduated from the University of North Carolina School of Law in 1976.

Once I was in woman’s prison listening to a client and continually saying to her, “I understand, I understand.” Finally she said (I am making it a little nicer here), “Will you quit telling me you understand: you don’t understand being in prison with your child on the outside, you don’t understand getting beaten by your husband, you don’t understand drug addiction and you don’t understand my fear and you don’t understand me.” Of course she was right. It gave me a whole different perspective. We do not understand where our clients are, we are not there. When we tell them we do, we are simply pandering to them. No matter what their misery is, whether it seems large or small to me, to them it is important. Although I do not understand, it is my job to help clients in whatever way I can and not to pander to them but to be truthful with them and to respect them and their circumstances.

Joseph B. Cheshire V is a criminal defense lawyer at Cheshire Parker Schneider Wells & Bryan. He graduated from the Wake Forest School of Law in 1973.

Along with several other attorneys, I tried a case in federal district court – a non-jury case before the judge. After a trial that lasted approximately six weeks, the judge ruled against our clients. The case was appealed to the Fourth Circuit Court of Appeals. The three-judge panel of the Fourth Circuit ruled against our clients with one dissent. The case was appealed to the United States Supreme Court. The Supreme Court ruled in our clients’ favor nine to zero. This experience taught me that you should never give up. Even when

the light of hope has dimmed to the faintest flicker, continue to fight for your client. You never know what may happen.

Cressie H. Thigpen, Jr., is a partner at Thigpen Blue Stephens & Fellers. He has served as a member of the Board of Trustees of the University of North Carolina.

As a young and inexperienced Associate Attorney General, I was assigned to defend a state agency in a judicial review proceeding. I asked to be assigned to another case, since I personally felt the agency's actions had been ill-advised. R. Bruce White, Jr., Senior Deputy Attorney General and my boss, refused to reassign me. Instead, he said I should find another profession if I could not learn to separate my beliefs and opinions from those of my client. An attorney's obligation, he said, was to represent the interests of the client, within the bounds of the law, with the greatest skill and vigor he could muster, and regardless of personal opinion. A just and proper verdict was only possible when opposing positions were fully and effectively presented to a judge or jury. I early learned the basis of good advocacy.

Thomas H. Davis, Jr., who graduated from the Wake Forest University School of Law in 1976, litigates in the areas of construction law, OSHA labor law, and eminent domain/condemnation law at Poyner & Spruill.

I was a young lawyer in 1977 practicing as a solo practitioner across the hall from Robert and Archie McMillan. Robert had referred many clients to me as a young lawyer, one of whom was a young man charged with several counts of automobile larceny. I met the client, agreed to represent him, and began a dialogue with the assistant district attorney. The assistant district attorney presented my client with an opportunity to avoid jail time and a conviction if my client would testify against other co-defendants. My client agreed and gave the investigating officer and the assistant district attorney all of the information he knew about the co-defendants. One of the terms of the plea agreement was that the arrangement would be confidential and not discussed with anyone.

When the case came on for a probable cause hearing in district court, I learned that Wade Smith, an experienced and highly regarded criminal defense attorney, was representing one of the co-defendants. At the court appearance, we were given a new court date and Wade approached me, stating that he looked forward to working together on a joint defense. I said nothing. I was bewildered and confused about what I could or

could not tell Wade about my client's plea arrangement and the fact that my client would be testifying against his client. I went back to my office, feeling I had betrayed some unspoken professionalism principle about collegiality with colleagues.

When I got back to my office I went over to speak with Robert McMillan to tell him of my perceived dilemma, in that I did not want to mislead Wade into believing that we could work on a joint defense. Mr. McMillan made short work of what I was about to learn was my misplaced concern, bellowing, "Wade who?" As I was about to answer, he very sternly admonished me that I owed Wade Smith no explanation.

My lesson with Mr. McMillan's admonishment is directed to the professional obligation that I had to my client, not to other members of the bar. The relationship that I was to maintain with the other members of the bar, while important, was certainly not an obligation or relationship that should take priority over the obligation I had to my client, which in this case was to protect the confidentiality of the plea arrangement. While a lawyer's relationship with other lawyers in the bar is an important one, it does have its place, and the obligation to the client is not to be compromised for our friendships in the bar.

Fred M. Morelock, a 1976 graduate of the UNC School of Law, served as a district court judge for fourteen years and is now a partner at Tharrington Smith where his practice is limited to family law, arbitration and mediation.

In 1984, I had the honor and privilege of being present for an event no other woman and very few men witnessed. It has affected my life and practice ever since. Roger Smith and Joe Cheshire were representing James Hutchins whose execution was the first scheduled since the Supreme Court's 1976 decision in *Woodson v. North Carolina*. As it happened, the Wake County Academy of Criminal Trial Lawyers' usual Tuesday meeting at Side Street was occurring before the execution scheduled that week, and Roger had come to talk with us about the case. His commitment, exhaustion, and pain were palpable and evident to everyone. When he finished, Robert McMillan stood and, with tears in his eyes and in his voice, spoke for all of us. He thanked Roger for carrying this heaviest of burdens and acknowledged that all of us wished we could help so it did not fall on Roger and Joe alone. To have been in that room with many of the finest attorneys I have ever known or can imagine ever knowing was beyond inspirational. To witness this room full of men with heads lowered and hearts exposed was one of the most profoundly moving experiences of my life. These men – who can handle anything, who are not supposed to cry – acknowledged by their silence and tears the price Roger and Joe were paying for all of us. I remember it often, and I shall never forget the beauty

in the visible love of those tough, battle-proven, superb attorneys. I am deeply grateful to have been a part of that night.

Sally H. Scherer has been in private practice in Wake County since 1981. She has served as chair of the Tenth Judicial District Bar grievance committee and as president of the Tenth Judicial District Bar.

When I started practicing law with the Attorney General's Office in 1980, I was assigned an appellate case set for argument in the North Carolina Supreme Court. My supervising attorney, Mr. Melvin, had lost the case in trial and in the Court of Appeals (but with a dissent). Thanks to my training in trial and appellate advocacy at Campbell, I really wasn't as nervous as I might have been. I jumped into the research, read the court file, put together some file cards to make sure I didn't forget a case citation, and practiced my argument in front of the mirror. I went into the chamber believing in my case and that I had the better side of the argument. The argument is a blur now, but I recall that Justice Huskins peppered me with questions. I believed we would prevail. Justice Huskins wrote the 7-0 opinion affirming the Court of Appeals. I later learned I had been sent as the sacrificial lamb since Mr. Melvin knew the case was a "loser." I learned, however, that I could take on tough cases if I prepared and that I should never let defeat keep me from trying the next one.

The Honorable Jane P. Gray, a graduate of the Campbell University School of Law, has been a district court judge in the Tenth Judicial District since 2002. She served as president of the Wake County Bar Association/Tenth Judicial District Bar in 2001.

MENTORS

The legal profession is a group of people united in a learned calling for the public good.

From the Preamble to the North Carolina Rules of Professional Conduct

All lawyers have been inspired by and have learned from the example and teaching of those who have gone before. While technology and growth have brought significant changes to the practice of law in Wake County, the influence of mentors continues to form the foundation of professionalism. The following tributes show how we learn from the example of others.

Dean Brandis, of the University of North Carolina School of Law, in an effort to help me overcome the exhaustion of my GI Bill education benefits, introduced me to Franklin T. Dupree, Jr. (later Judge of the U. S. District Court for the Eastern District of North Carolina) of Raleigh at the end of my first year, and Frank hired me as a clerk, investigator, researcher, and errand boy. I will always consider my relationship with Frank to be the formative blessing of my legal career.

The first day the bar exam results were announced in 1961, Frank called me into his office and congratulated me. He said that on that day, as a result of having been compelled to store it up for the exam, I knew more about more law than any lawyer in the firm. “But,” he said, “that will be secondary to your success as a lawyer. What will be most important to you throughout your career will be the trust your fellow lawyers and the judiciary have in your personal integrity. So set out today to treat others with respect, be courteous, be generous and helpful, and, above all, always keep your word.”

Our profession has been incredibly kind to me, and I am truly thankful. I have to believe that much, if not all, of what has been given to me is attributable to trying to adhere to Frank’s mandate – especially the matter of keeping my commitments to others. A kind and truthful lawyer of mediocre talent can enjoy a successful career. A deceitful and mean spirited lawyer, no matter how skillful, will be worked hard and achieve little more than a modicum of wealth. So, young lawyers, be known for your integrity. Respect and enjoy your profession.

Jerry S. Alvis, Sr., UNC J.D. 1961, American College of Trial Lawyers, American Board Of Trial Attorneys, former superior court judge, partner at Womble Carlyle Sandridge & Rice, has been a member of the Tenth Judicial District Bar since 1961.

There is always a tendency to refer to “the good old days” when reflecting on contemporary issues. There is a case to be made that our role models and the leaders of our profession in years past may indeed have been more grounded in ethics and civility than many are today. The people who set me on my course in life, and my profession were: (1) my parents who taught me to be honest and fair to others; (2) my minister

who taught me, through example, the principles of my religious beliefs; (3) Dean Carroll Weathers of Wake Forest University School of Law who impressed upon me the more noble aspects of the calling of our profession; (4) U.S. District Court Judges Edwin Stanley and L. Richardson Preyer, both of whom I had the pleasure of working for as their law clerk, and, lastly; (5) the senior partners of my law firm at the outset of my career in 1963 – particularly James K. Dorsett, Jr. and Willis Smith, Jr. Both Jim and Willis were members of the “greatest generation” who served our country in World War II and who were steadfast in maintaining the highest ethics, honesty and fairness to their clients, adversaries and fellow lawyers. I wish that every young lawyer entering our profession today could have had the opportunity to have been mentored by such outstanding role models.

Henry A. Mitchell, Jr., a 1961 graduate of the Wake Forest University School of Law, practices at Smith Anderson Blount Dorsett Mitchell & Jernigan, L.L.P. and serves as chairman of Lawyers Mutual Liability Insurance Company of North Carolina.

Robert McMillan is a lawyer I have long admired. When I started with the Wake County District Attorney’s office in 1975 as the first female prosecutor, Mr. McMillan was very gracious to me and always treated me with respect. He was then, and is now, a true gentleman, and an outstanding attorney. I shall always remember his kindness to a nervous new prosecutor.

The Honorable Joyce A. Hamilton, a 1975 University of North Carolina School of Law graduate, has served as a district court judge for over twenty years. She received the North Carolina Association of Women Attorneys Outstanding Judge Award in 2004.

John V. Hunter, III (Jack) who began practicing law in 1955, went to the North Carolina Court of Appeals and Supreme Court on opinion days to review the issued opinions and did not understand why others did not. Taking his duties as an officer of the court seriously, Jack Hunter notified a judge shortly before a trial ended that a binding court opinion, not yet reported (at a time when there was no internet or *Lawyers’ Weekly*) and then unknown to opposing counsel, eliminated one of his client’s defenses. Although unfailingly courteous to members of the bench and bar, Jack’s idea of professionalism did not equate to kowtowing to judges. His active trial and appellate practice notwithstanding, Jack was known to decline a sitting judge’s solicitation for reelection assistance. Jack’s efforts on behalf of other members of the bar did not depend

on his esteem for the lawyer in need. One practitioner facing a grievance was the beneficiary of significant research (which ultimately provided a successful defense), but Jack declined to represent the attorney or be paid for his efforts because, as he advised the attorney in question, he found the attorney's conduct appalling regardless of its technical compliance with the rules of professional conduct.

Maria M. Lynch, a 1979 graduate of the University of North Carolina School of Law and a former member of the North Carolina State Bar Council for the Tenth Judicial District, was the first recipient of the Sara H. Davis award from the North Carolina State Bar for excellence as a specialist in a practice area.

When I was a child, I wanted to be a lawyer because I loved and admired my grandfather, Banks Arendell, a well-known and respected Raleigh attorney. I also imagined being like Perry Mason, from the television series, or Atticus Finch from *To Kill a Mockingbird*. They carried themselves with dignity, they loved life and they loved the law. They treated the practice of law as a noble calling. They were active in their communities and they had the respect of their clients, their adversaries and all who crossed their paths.

When I became a lawyer, I learned much from the way that Robert McMillan, Mayne Albright, Wade Smith, Roger Smith, and Bill Thorp carried themselves, with dignity in the courtroom, while treating all parties and participants with respect. Each of my mentors has been active in community affairs, involved in the arts, and dedicated to helping less fortunate citizens. When they handled cases, their cases became causes. They got to know their clients as human beings. They dealt with opposing counsel and treated the court and legal process with dignity, respect and fairness.

My mentor Bill Thorp was a pioneering trial lawyer who died in 2001. Bill left a larger-than-life legacy for those of us who knew him. He helped found the North Carolina Academy of Trial Lawyers and was president of that association. In 1979, Bill became the first attorney to win a million dollar personal injury verdict in North Carolina. He wrote *Thorp's North Carolina Trial Practice Forms* based on the North Carolina Rules of Civil Procedure, which is still a much-used reference in every civil lawyer's library. Bill was always mindful of people in need and he was instrumental in helping to set up North Carolina Legal Services to assist indigent people with their legal needs.

While distinguishing himself as a lawyer, Bill Thorp was deeply involved in his community and the arts. For thirty years, Bill spent many hours sharing his vast legal knowledge with other attorneys in books and at seminars. Bill was never too busy to talk

with and guide younger attorneys through the challenging gauntlet of civil litigation. After teaching other attorneys how to litigate cases, Bill spent the last ten years of his life focused on teaching attorneys how to live full, balanced and meaningful lives. Bill and his wife, Pat Webster, put on many workshops helping others learn to live connected, fulfilling and energized lives. They taught us to align our law practices with our core values.

Richard S. Hunter, Jr., has practiced law in Raleigh since 1980 as a civil litigator and has served as the president of the North Carolina Academy of Trial Lawyers.

Fred Carnage was a lawyer whom I admired for many years. He was one of the first African-American lawyers in Wake County. Even at the age of 90, Lawyer Carnage continued to practice law. Ironically, the majority of cases he handled were estates of friends whom he had outlived. Dressed in a suit and tie every day, Mr. Carnage was very courteous to everyone he met as he would walk to his office on Hargett Street each day. His impeccable and noble appearance displayed a unique elegance. He gave me many pearls of wisdom as the two of us would sit and talk about the legal profession.

He once stated (when dealing with people in general and especially with other lawyers), "One should always be willing to meet another half-way." I have utilized this advice in dealing with lawyers in criminal and civil matters. Finding a middle ground should be a rule to keep this profession a civil and noble one: a profession that would make Fred Carnage proud of us all.

Geoffrey H. Simmons, a 1977 Duke Law School graduate, served as Wake County Bar Association/Tenth Judicial District Bar President in 1990.

Newman A. Townsend, Jr. (Nat) died in 1987. His example continues to inspire those who had the good fortune to work with him. Mr. Townsend was not a flamboyant public figure but a figure of integrity who earned a wide reputation as an astute and wise tax attorney whose trademark was honesty and reliability. While he taught young lawyers to practice law with the greatest zeal, he also taught that lawyers were to never, ever violate the moral code or rules of ethics. He left a legacy that will never be lost or forgotten.

Lacy H. Reaves, a 1972 graduate of the University of North Carolina School of Law, focuses his practice on land use and zoning law as a partner at Kennedy Covington Lobdell & Hickman.

I have been blessed with wise and talented mentors in the Wake County Bar. Wade Smith taught me that vigorous advocacy for our clients allows us to be genuinely kind to our adversaries. He also demonstrated that our work as lawyers should make the world a better place. At the conclusion of one of our first cases, Wade and I had our picture taken along with other lawyers who had worked on the case. A few days later, a framed copy showed up on my desk with this inscription by Wade: “Blessed are the peacemakers” Matthew 5, v. 9.

Roger Smith showed me that we serve our clients best when we dedicate our heads and our hearts to their causes. Roger also shared the “rules of coffee” inspired by the legendary Robert McMillan. From them, I learned that as we give compassion, empathy and sympathy to our clients, we should be careful not also to throw into their cases our total sense of identity and self-worth.

And from John Edwards and my partner, David Kirby, I learned that nothing is more important in the practice of law than our personal credibility. Establishing and preserving credibility not only is required by the dignity of our profession, it also is the most essential tool in a lawyer’s arsenal. A jury yearns to do what is right and searches for the lawyer in a trial who best can lead them to the truth and a just result. One’s credibility must be intact to be that lawyer.

C. Mark Holt, a 1987 University of North Carolina School of Law graduate, is a partner at Kirby & Holt representing plaintiffs in medical malpractice claims.

When I began practicing in Wake County over thirty years ago I was lucky enough to appear before such legendary judges as Pou Bailey, Hamilton Hobgood, Ed Preston, Pilston Godwin and Franklin Dupree. I was also privileged to work with many of the great figures of the Wake County Bar such as Howard Manning, Al Adams, Marshall Hartsfield, Wade Smith and many others. One point that all of these great lawyers and judges always impressed upon me was to never forget that the lawyer on the other side of the case is not your opponent or your enemy and that our profession depends upon a strong sense of collegiality. They made me understand that all of us in the bar are working toward one end – the vigorous representation of our client’s interest. The lawyer you are opposing today may well be your co-counsel in your next case.

Whether due to the large size of the Wake County Bar these days or for other reasons, we seem to have lost some of that feeling of camaraderie and there appears to be as much

antagonism between counsel in some cases as there is between the litigants. I hope this is a passing trend and that we can return to the day when we could more easily separate our work relationships from the rest of our interaction with our colleagues. We have a great bar here with many extraordinary talents. We should enjoy working with our colleagues on the other side in a case no matter what the feeling of the parties may be toward each other.

Thomas A. McCormick, a 1973 graduate of the Law School of the University of North Carolina at Chapel Hill, has served as city attorney for the City of Raleigh since 1977.

The most practical piece of advice I've had about how to deal with clients came from Judge Earl Britt. When I was first starting my practice ten years ago, I had mostly a district court criminal practice representing people on various charges such as driving while impaired, assault, shoplifting, trespassing, driving with revoked license, etc. Judge Britt told me that many of these clients would have to pay their legal fees in installments and that often times it would be in the client's best interest to dispose of the case by trial or plea before the balance of the legal fee was paid.

Judge Britt told me never to pass up a good deal for a client just because the fee wasn't paid and that when the matter was resolved to just tell the client not to worry about paying the balance but to just remember to recommend you when a friend or family member needed a lawyer. He said most people in these situations would forget to pay their legal fees after the matter was resolved so it wasn't worth the time and aggravation of writing collection letters and that if you did that, not only would the client not return but that when the client's friend or family member got into an automobile accident they would not refer that matter to you. However, if you waived the balance, it would pay off in return business and referrals.

One of the largest fees I have ever gotten came from a district court client who came back to me to handle his personal injury case after I waived my balance in his traffic case. It was only because of Judge Britt's advice that this happened.

Michael S. Petty, a 1995 graduate of the Campbell University School of Law, is a solo practitioner in Raleigh.

I had the good fortune of beginning my law practice in 1981 working for Jack Stevens of the Buncombe County Bar. Jack's firm had five partners, and I was one of two associates. Jack regularly ate lunch with his two associates and took a great deal of interest in our professional development. One of the pieces of advice Jack gave me early on was not to make my clients' problems my own. He followed that advice up with the statement that I would have enough problems of my own over the years and that when a lawyer added the problems of his clients as his own, it would eventually be too much to bear. This advice surprised me because Jack was so obviously dedicated to his practice and his clients.

However, the wisdom of the advice has become clear. It is exhausting on a physical and psychological level to treat the problems for which a client seeks professional advice as your own problems. It also diminishes your ability to look at the client's problem with professional detachment and can convey to the client that you have relieved them of responsibility for the problem. On a more serious level, the problems clients have can become self-destructive behaviors they want to share, for whatever reason.

Like much good advice, Jack's advice is easier repeated than followed. However, it is important to remember that the personality traits that made you want to be a lawyer and which help keep you focused can work to your detriment if you are not careful to maintain your professional demeanor and detachment from your client's problems. Remember, your role is to provide counsel and advocacy, not to assume your client's problem as your personal problem.

Thomas R. West, a 1979 Duke Law School graduate, served as an administrative law judge and now practices administrative law as a partner at Poyner & Spruill in Raleigh.

I stated many years ago that Robert McMillan was a "lawyer's lawyer and a gentleman's gentleman." I totally believe that. He is up there with the people that I most admire. I have seen him represent unpopular causes, poor and indigent people, as well as our higher profile political criminal defendants. There was a saying among the district court judges that when Robert McMillan answered a calendar call with the words "Not Guilty," the verdict would probably be "Not Guilty."

Jerry W. Leonard, a former district court judge, graduated from the University of North Carolina School of Law in 1971 and is a solo practitioner.

My father Joseph B. Cheshire, Jr., was a lawyer I admired. He never made a lot of money because law to him was a profession designed to help people, not a business to make money from. He always told the truth; he never cut corners. Over the course of his life, he did fifty percent of his practice pro bono and he was a fearless advocate for what was right. People might have disagreed with him, but no one ever questioned his integrity.

Joseph B. Cheshire V, a 1973 graduate of the Wake Forest School of Law, is a criminal defense lawyer at Cheshire Parker Schneider Wells & Bryan, and is a fellow in the International Society of Barristers and the American Board of Criminal Lawyers.

The lawyer I admire most is Robert M. Wiley, who practiced in Rocky Mount and died a few years ago. Bob had the uncanny knack of always achieving a good result for his clients, and doing it the “right” way. He would push and poke at a problem until a path through the thicket appeared. He was dogged in his determination that there was a case on point out there somewhere. Then when he closed in on it, his reasoning was so complete and compelling that the other side could not disagree without appearing to be stubborn or obtuse. This is the best kind of brilliance. It is not necessarily the brilliance of the blazing insight, but the brilliance of showing up, doing the right and needed things in a logical fashion, and trusting your own instincts as to what the right answer should be.

Jasper L. Cummings, Jr., graduated from Yale Law School in 1971 and specializes in taxation law as of counsel at Alston & Bird.

I believe that mentors are invaluable in the training of young lawyers. I have been blessed with many incredible mentors including Tom Ellis, W.W. Taylor, Armistead Maupin, Frank Bullock, Bob Valois and John Williamson. All of these fine attorneys shared common virtues. They were all fierce and highly successful advocates. However, all of them retained a sense of humility about themselves and the practice of law. They had great senses of humor and were able to keep things in perspective. Ethics and following the rules were far more important to all of them than how much money they made or winning a particular case. All of them understood the importance of trusting and respecting their colleagues at the bar. They never engaged in personal attacks on fellow lawyers nor added unnecessary work to a case by filing frivolous motions, making invalid

objects to discovery, or ever refusing any reasonable request for accommodation by opposing counsel.

Thomas A. Farr, a 1979 graduate of the Emory University School of Law, is a partner at Ogletree Deakins Nash Smoak & Stewart.

I had the good fortune to come from a family of lawyers and judges, including Irving Carlyle, Earl Britt, Sam Britt, David Britt and my father Murk Biggs. All of these people practiced with the highest of professional standards. My father provided many pieces of sage advice over the years but the best and most often relied on was his advice to treat a client's problem with the same urgency and care I would give to that of a family member. If you think of the client as a member of your family, you have to look at their problem in the context of their life and you better understand how problems which seem small are in fact earth shattering in the context of that person's life. Helping people is what we do and to help people we have to care as much about our clients as we do for our family.

Catharine B. Arrowood, a 1976 graduate of Wake Forest Law School, is a partner at Parker Poe Adams & Bernstein and is the current president of the Wake County Bar Association and the Tenth Judicial District Bar.

As the daughter of a fifty-plus year lawyer who grew up working around his law firm, I have rich memories of great lawyers and from the example set by my father, Walter L. Hannah.

In my childhood, I remember telephone calls that came in the middle of the night and hearing my father get up, get dressed, and leave the house. I learned that this meant someone was in trouble and that Dad was going to help. I assumed all lawyers did this. The individual might have been an existing client, the son or daughter of a client, or a person from an economically challenged background who had heard his name. It did not matter. Some of these folks would appear at or call our house looking for "Lawyer Hannah" because they needed him or simply wanted his advice. Some paid for their services with produce, baked goods or the skills of their trade. From this I learned that a lawyer has a duty to all. It is what we do.

My father encourages all the young lawyers to be actively involved in professional and civic organizations as a duty and responsibility and as a means by which young lawyers may best develop a well-rounded practice and life. My thirteen years of practice tell me

that these words of wisdom ring true on more levels than I ever understood as an outside observer. Of all the important advice I received, this is probably the greatest.

Nan E. Hannah graduated from Washington & Lee School of Law in 1993. She practices commercial and construction law at Vann & Sheridan in Raleigh and has received the President's Award for Excellence from the Wake County Bar Association.

I have had the benefit of many mentors in the law including John Sanders, former Director of the Institute of Government, Justice J. Frank Huskins, for whom I clerked, and Justice (then Court of Appeals Judge) Earl Vaughn, for whom I also clerked a year. When I came to my law firm, I had true legal giants who were the named partners in the firm – Armistead Maupin, T. Taylor, and Tom Ellis. Each provided insights into an honorable and ethical way to be a zealous advocate for clients. Mr. Taylor, in particular, was very insightful. He provided advice to me on the first day I came to work with the firm that I have used to my own good and the good of the firm and I hope to the profession.

When I sat down in Mr. Taylor's office that first day, he said he had only two pieces of advice and if I followed the advice I would not have any problem with the practice of the law. (1) "If you have any concerns about doing something, just don't do it," and (2) "Don't trade with your clients." Almost twenty-five years later, this advice remains sound. Not acting when there are any concerns forces one to think through the concerns about any actions taken. It usually winds up that the prudent and conservative course has been, almost without exception, the correct one for me and to my clients' best advantage. As to doing business with clients, in this world where material wealth dominates, there is repeated opportunity to cash in with clients. I know some lawyers have been quite successful doing this. In the past, many lawyers were very successful investing with their clients. However, in the modern age, where deep pockets are looked for everywhere when things fail, being as independent of the client as possible has always been helpful. You also avoid the chance of losing a friend and a client.

M. Keith Kapp graduated from the University of North Carolina School of Law in 1979. He was president of the Wake County Bar Association in 1996 and currently serves the Tenth Judicial District Bar as a member of the State Bar Council.

My primary mentor as a lawyer was Howard E. Manning, Sr. His method was to teach by example and his lessons were: (1) Loyalty to the client; (2) Honesty in his dealings

with others; and (3) Diligence in the practice. He was first to arrive at the office every day and usually the last to leave. His most repeated lesson was that, as a lawyer, you had to know all there was to know about the facts of your case, and you should determine those facts from the outset. Your legal training and your native intelligence told you what the law as applied to those facts should be and you had to find that applicable law. The phrase we used was “Manning law” – this is what the law should be, now find it. It was always there in one form or another. Those lessons are as applicable today as they were forty years ago.

John B. McMillan, a partner at Manning Fulton & Skinner, graduated from the University of North Carolina School of Law in 1967. He has served as president of the Wake County/ Tenth Judicial District Bar and as a member of the State Bar Council. He is currently vice-president of the North Carolina State Bar.

I have learned important lessons from a series of mentors.

Justice John Webb of the North Carolina Supreme Court taught me to persevere in the face of disappointment, and to accept constructive criticism as just that.

Lacy Reaves has taught me that civility is a prime ingredient of professionalism and lends style to your law practice. Also being well-prepared (and being known for it) is the best competitive edge you can have.

Clyde Holt III taught me that it doesn't matter who is to blame when a mistake is made. Rather, what matters is owning up to your mistake and fixing it. He also taught me to look for the humor in every situation.

Terri Toth McGaughey recently retired from a successful real property practice with Parker Poe Adams & Bernstein. She taught me that no question is a dumb one, and that by taking the time to answer someone's question, we learn a little more about the law ourselves.

Tom Worth, Jr., is a colleague and mentor who looked after me when I was a solo practitioner, and, as I am fond of saying, “kept food on my table.” He gave me confidence by showing confidence in me every time he referred a client.

These five lessons can be summarized in this way:

1. A true professional doesn't give up just because things are hard or because she has to put extra (and unanticipated) effort into a project.
2. The professional lawyer is civil, respectful and well-prepared and as such, develops a reputation that precedes her.
3. She double and triple checks her work, finds and owns up to her mistakes, seeks creative solutions, and can tell a good joke.
4. She recognizes when she needs help and is not afraid to ask for it. She gladly gives it too.
5. She takes an interest in younger members of the bar, passing on to them what her predecessors have given to her.

Robin M. Hammond has practiced real property and land use law in both the public and private sectors. She is currently real property counsel for NC Clean Water Management Trust Fund. Robin, a graduate of the UNC School of Law, has served on the Board of the Wake County/Tenth Judicial District Bars, on the NCBA Board of Governors, and as NCBA-YLD Delegate to the ABA House of Delegates.

VALUES AND REFLECTIONS

A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs.

From the Preamble to the North Carolina Rules of Professional Conduct

Professionalism rests on a foundation of values that have marked the traditions of our bar for generations. The memories of the lawyers who contributed to this section underscore the importance of those traditions.

I have been impressed with the collegiality of the Wake County Bar ever since I started practicing law here in 1971. I was one of very few women in the bar then, which would have been intimidating but for the fact that the lawyers here went out of their way to make me feel welcome. In those days, most lawyers' offices were downtown, and it was impossible to walk down the street without meeting other lawyers and engaging in the sort of informal contacts that no doubt contributed to our sense of community. That sense of community continues today, in spite of the fact that we are much larger and more spread out. I believe that spirit of community contributes to the high level of professionalism that has long defined the character of our bar.

Ann Reed was the first woman elected to the presidency of the North Carolina State Bar. She is a graduate of the School of Law at the University of North Carolina at Chapel Hill. Ann has practiced exclusively with the North Carolina Department of Justice and is director of its Administrative Division.

The minimization of ego-centrism in an office's culture is summed up well by my partner Jimmy Yates: "It's amazing how much can get done when no one cares who gets the credit."

Samuel T. Wyrick III is a graduate of both Harvard and Duke. He is a founding partner of Wyrick Robbins Yates & Ponton where he is the firm's general counsel. He also maintains a commercial litigation practice and is active in alternative dispute resolution.

Most of what we need to know about professionalism we learned as children – tell the truth, mind your manners, be on time, dress properly, follow the rules, and do your homework.

Carlyn G. Poole practices law at Tharrington Smith. She received her law degree from the UNC Chapel Hill School of Law. She was the first woman to serve as president of the Wake County Bar Association and the Tenth Judicial District Bar.

I have always tried to extend the same courtesy and professionalism to other attorneys that I would like to receive. The tone I set almost always yields positive results. My particular experience is with the bankruptcy bar. When the circumstances require it, the attorneys accommodate each other in discovery and other time-driven matters. Rarely are the courts required to deal with matters where counsel cannot work together even if their clients are very adverse.

Terri L. Gardner is a bankruptcy lawyer practicing with Poyner & Spruill in Raleigh. Active in bar organizations, she served as Wake County Bar Association/Tenth Judicial District Bar president in 2004.

Atticus Finch lost his biggest trial. Lawyers are not remembered for the result obtained but rather for the dignity, respect and humanity the lawyer demonstrated.

G. Bryan Collins, Jr., has been a criminal defense attorney in Wake County for more than twenty years. He is the first person to hold the position of public defender in the Tenth Judicial District.

We have inherited a constitutional democracy but it does not operate automatically. It requires the efforts of concerned . . . dedicated lawyers to keep it functional. It takes a lawyer to defend effectively an accused in a serious civil trial, or to ensure that in a criminal trial the rights guaranteed to the accused by the Bill of Rights are fully observed. Likewise, a lawyer is needed to ensure that a person's property rights are protected against arbitrary government action. Perhaps the most-appreciated and reassuring thing we as lawyers can do is be available to our clients on a daily basis as they need us. It strengthens their faith in the system.

William Joslin is retired from the Raleigh firm of Joslin Sedberry & Lamkin where his daughter Nell continues to practice law. His practice area was estate planning, and he is an avid conservationist.

Attorneys may achieve a reputation for being great through tough and antagonistic means, and very questionable attitude, morality and ethics, and definitely not love. But this will

all be forgotten in less than one generation. The only thing that will survive us will be the kindness, consideration and love we show to one another. [Let's strive to keep] our bar as it was when my father, J. Wilbur Bunn, practiced here: Let's love the law and one another.

Thomas D. "Buck" Bunn is a Raleigh native, who, along with his father, Judge William T. Hatch and James D. Little, formed Hatch Little & Bunn in 1958. Buck is a founder of the Wake Bar's Senior Survivors.

Any law graduate can be an attorney, but well respected attorneys are known in the community as lawyers.

Geoffrey H. Simmons is a criminal defense attorney who has practiced in Raleigh for over thirty years. He was president of the Wake County Bar Association and the Tenth Judicial District Bar in 1990.

We must represent our clients as ethically, skillfully and vigorously as possible to the extent necessary to protect and advance their interests. Sometimes this involves convincing our clients of the folly of their position and setting them on a wiser course.

William T. Pappas is a partner in the transactional department of of Parker Poe Adams & Bernstein. Prior to beginning his law practice, Bill clerked for the Honorable Franklin T. Dupree, Jr. of the United States District Court for the Eastern District of North Carolina, and for United States Magistrate Logan D. Howell.

Lawyers are a multi-talented, complicated and diverse group of people. As members of a profession, we need to care about and look out for one another. Am I my fellow attorney's keeper? The answer is a resounding "Yes, of course I am." When one of us falls, we all fall. It is imperative that we acknowledge as a profession that we need to look out for each other. North Carolina has PALS, FRIENDS, and BarCARES – good programs designed to reach out to those of us in danger.

Allan B. Head is Executive Director of the North Carolina Bar Association, and has been treasurer of the Wake County Bar Association since 1981. A graduate of Wake Forest University (both undergraduate and law school), he currently serves as the 2006–07 president of the National Conference of Bar Executives.

While I concede that being lucky is better than being good, it occurs to me that those who consistently have the best luck are also those who consistently work hard and follow the golden rule.

Sidney S. Eagles, Jr., served as president of the Wake County Bar Association and Tenth Judicial District Bar in 2006 and as Chief Judge of the North Carolina Court of Appeals. He now practices law with Smith Moore in Raleigh.

While there are a number of adages by which I attempt to govern my life, there is one which I particularly strive to apply to my exercise of professionalism: “To whom much is given, much is expected.” Those of us who are privileged to pursue justice as our craft constantly nurture an esteemed trust which has been placed in us by others who need our help through legal guidance. We who are honored to be accorded such respect should remember that while we mutually share this treasured status by virtue of our calling, we are mutually sullied when our conduct falls short of this sterling standard. The professionalism which we ought to display for those who require our expertise as well as for our own colleagues in our bonded mission to preserve and protect rights should never falter nor fail. Professionalism is a perpetual commitment which should never take leave. Too much has been given to us collectively to fall short of appropriate expectations of professionalism.

The Honorable Michael R. Morgan is a superior court judge in the Tenth Judicial District. He earned his undergraduate degree at Duke University and his law degree from the North Carolina Central University School of Law. Prior to being seated on the bench, he worked in the North Carolina Department of Justice and as an administrative law judge.

Respect is at the heart of professionalism. A lawyer’s conduct should always reflect respect for other people and our legal system. Disrespectful conduct does not serve any client or cause well. Treating other people with respect is also essential to strong and effective advocacy. Lawyers who act unprofessionally are not effective because their actions usually overshadow their message. True professionals understand that justice requires that all interested parties have the opportunity to have their positions heard and considered.

Some of the best examples of professionalism can be found when lawyers who are friends represent clients in adversarial situations. These lawyers can be zealous advocates for their

clients while acting in a manner that is respectful of opposing counsel and parties. If we treat all lawyers the way we treat our friends who are lawyers, we won't need to talk about professionalism – it will just happen.

Lacy M. Presnell III served as president of the Wake County Bar Association and the Tenth Judicial District Bar in 2003. He practices in Raleigh with Burns Day & Presnell where he concentrates in commercial and civil litigation, mediation and arbitration.

Throughout my career of bench and bar, it has been exciting to engage in the continual learning experience that we call the practice of law. That includes learning from the litigants and all other people involved in the process. To me, law is a people's science, the science of resolving problems.

Jerry W. Leonard is a former Wake County district court judge and self-described "wide-eyed liberal" who practices criminal defense law in downtown Raleigh as a solo practitioner.

To quote Oliver Wendell Holmes, Jr.: "The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race. The practice of it, in spite of popular jest, tends to make good citizens and good men." From "The Path of Law," 10 Harv. L. Rev. 457 (1897).

Kathleen P. Tanner is an attorney at Tharrington Smith where she practices education law. She is a Raleigh native and practiced in Washington, D.C. before returning to her hometown.

My general theory of professionalism: Pride + Preparation + Passion = Professionalism.

Charles L. Becton served on the North Carolina Court of Appeals from 1981–1990. In 1985 he was named North Carolina Appellate Judge of the Year. He earned degrees at Howard University, Duke University School of Law, and the University of Virginia School of Law. He has received numerous awards, including the ABA Pursuit of Justice Award.

The attitude we have toward our clients and the matters that they entrust to us seem to define us as lawyers. Ultimately, how we are viewed by the clients we serve is our measure as lawyers. The most satisfied and loyal client is not [necessarily] the one for whom we obtained the best result. No lawyer can “win” everything. The most appreciative client in my experience is the client whom we and our staff treated with utmost respect . . . and candor, and with whom we communicated on a regular, personal, and caring basis. It has also helped me to keep in mind that, regardless of how busy I may be, the matter I am handling for a client may be their only legal matter, is likely to be on their mind frequently, is likely to have a major financial impact on them, and is deserving of my undivided attention when I am working with them.

I have shared with young lawyers at our firm a view of professionalism that comes from an unlikely source – comments that have been attributed to the contemporary legal fiction writer John Grisham. Reportedly, Grisham decided that it was time for him to stop practicing law and become a full-time writer when he came to the conclusion one day that he would not have hired himself to do the very work he was performing for a client. To me, that is the ultimate test of whether we are meeting the ethical requirement to insure that we are handling our clients’ affairs competently. Who is better able to make that assessment than we are? If we would not want to have ourselves as a lawyer handling a particular matter, whether due to available time, resources, experience, interest energy, expertise, etc., then we should make sure we either resolve the impediment or refer the matter to someone who we know is competent to handle it.

Walter E. Brock, Jr. is a civil litigator practicing with Young Moore & Henderson where he is a shareholder, litigation team leader, and member of the management committee. He received his undergraduate and law degrees from UNC-Chapel Hill and was president of the Wake County Bar Association/Tenth Judicial District Bar in 1998.

The practice of law, like life, is about choices. In deciding how we wish to define professionalism and put it into practice, we can choose to wage war, pushing the Rules of Professional Conduct to their limits, perhaps not violating the letter of the rules but clearly violating their spirit. Or, we can choose to see our opponents as we see ourselves, and to understand the stresses and strains they are under. We can strive to resolve conflicts peacefully and harmoniously in a win/win environment. Each path leads to an inevitable outcome. The choice is up to each of us.

Leonard T. Jernigan, Jr., heads his own firm dedicated to protecting the rights of injured

workers. He is a 1976 graduate of the North Carolina Central University School of Law and a board certified specialist in workers compensation law.

The best thing for me about practicing law is the contact with other attorneys. I have been supported, broadened and nourished by the relationships and friendships developed with lawyers over the years. I think the public's perception of us will be better if we truly and consistently treat each other with dignity, respect and caring. We are our own best resource.

Carter G. Mackie practiced law in Wake County for over forty years. He was the first president of the Young Lawyers' Division of the Wake County Bar.

When I came to Wake County fresh out of law school, I had a notion that I would find myself at a firm that would be an island of civility surrounded by the fierce adversity of competitors. It was a surprise when, after only a few weeks, I found that I was largely surrounded not by competitors, but by colleagues in the world beyond my firm. The other attorneys with whom I came into contact were not merely polite or civil but genuinely friendly and even helpful, no doubt remembering the bewildering challenges of their own early days in the practice of law. [This experience] revealed that the legal profession functions best when viewed not merely as a profession, but as a professional community that recognizes the importance of collegiality above and beyond the basic strictures of its professional code.

Steve Palmé came to Wake County from Louisiana and Tulane University in 2005 after working in the publishing industry. He practices family law at the Ward Law Firm.

During my legal career, I have been in private practice, and have served as both prosecutor and judge. Regular exposure to new concepts and ideas has given me a lifetime of educational opportunities. Practicing law has enabled me to help people undergoing serious crises in their lives, and that has given me great satisfaction, especially when my actions have improved the lives of others.

The Honorable Joyce A. Hamilton, a district court judge in Wake County since September 1986, is a graduate of the UNC Chapel Hill School of Law.

I have liked helping people who cannot help themselves, and as a result, being able to give the opportunity for a better life to countless lost and misguided souls.

Joseph B. Cheshire V, a Raleigh native and well-known criminal defense attorney, is the fifth Joseph Blount Cheshire to practice law in Wake County.

The thing I like most about practicing law is that I am helping someone. I realize that I am in a profession that can have a profound and enduring impact on people's lives. Clients come to me because they have problems. There is nothing better than being able to use my knowledge and training to help them solve those problems.

Cressie H. Thigpen, Jr. is a partner at Thigpen Blue Stephens & Fellers. He completed his undergraduate and graduate work at North Carolina Central University and received his law degree from Rutgers University School of Law.

I grew up in a loving home with caring parents. My father and his father before him were practicing family physicians, who made a dozen house calls after supper, and arose at least once in the middle of most nights to respond to the health needs of their patients. Opportunities of a similar nature are available to lawyers – responding with needed help in the lives of individuals in personal crisis. It may be a tragic automobile accident involving a child, or a criminal charge, or a domestic dispute, but providing the proper pathway through the maze of complicated facts and laws with a caring attitude can provide those same rewards of satisfaction my father and grandfather achieved in their profession. No matter how many corporate clients I have, and there are rewards with those clients as well, I still enjoy most helping individuals with personal legal problems who are in need of counsel.

John B. McMillan represents clients before the North Carolina General Assembly and numerous state agencies, as well as in litigation in federal and state courts. He is a shareholder in Manning Fulton & Skinner and received the Joseph Branch Professionalism Award in 2000.

Over the years I have found that I like lawyers, and I like to be around lawyers. I have enjoyed the challenges of an active practice, and as I look back, I can't today recall a single day when I did not look forward to coming to the office. It was always interesting to see what each new day would bring, and while I have often wondered where the next case, or the next problem, was going to come from, they always seemed to come along. Today, I am not carrying a significant workload, but I still enjoy coming to the office each morning and being a part of an active law firm. I can think of no higher calling than the legal profession, and no better way to have spent my life. Reliability and trust are at the heart of the practice of law and must be a part of the makeup of a true professional.

James D. Blount, Jr., came to Wake County from Rockingham in 1970 to practice law at Smith Anderson [Blount Dorsett Mitchell & Jernigan]. He concentrates his law practice in the commercial litigation area, emphasizing securities, contracts, banking, and products liability. Jim received his undergraduate and law degrees from the University of North Carolina and was inducted into the North Carolina Bar Association General Practice Hall of Fame in 2000.

One of my many joys in the practice of law has been helping blind citizens, pro bono, including all who work for the Raleigh Lions Clinic for the Blind. I came upon this path in law school when I read to a fellow student who was completely blind. He graduated from the University of North Carolina Law School, passed the bar, and became a strong courtroom litigator. I take pleasure in his success. Each attorney should develop an area of concern and help that segment of our society.

Samuel H. Johnson is founder and senior member of Johnson Hearn Vinegar Gee & Glass. He practices in the areas of legislative representation, estate planning, business and trade association law. Sam received his law degree from UNC-Chapel Hill and in 2004 was elected to the North Carolina Bar Association General Practice Hall of Fame. He has practiced in Raleigh since 1953.

OTHER RESOURCES

Creed of Professionalism of the North Carolina Wake County/Tenth Judicial District Bar

The American legal system embodies our nation's shared values of individual freedom and dignity and the right to due process and equal protection under the law. As lawyers, we are guardians for our legal system, and we have an important professional responsibility to recognize, honor, and enhance the rule of law. We are in a privileged position, and therefore we work under special obligations. To forget or to set aside these obligations is to dishonor our profession.

Professionalism encompasses a dedication to excellence in serving clients, a respect for the rule of law, the court and other lawyers, and commitment to seek a just result in all matters undertaken for clients. The practice of law is a profession and not a business. A lawyer need not sacrifice the opportunity to prosper, but the practice of law must be motivated by service rather than inspired by profit. As a lawyer, I subscribe to the following Creed of Professionalism:

Individual Commitment to Professionalism

My word is my bond. Integrity is an absolute. Fairness and civility are essential. Financial considerations will never override my professional responsibility.

To my clients, I offer loyalty, competence, diligence, and good judgment. I will represent you as I would want to be represented. I will provide timely information on all matters pertaining to your case. I will be worthy of your trust by providing vigorous advocacy, independent guidance, reasoned counseling, and fair value in services performed for fees paid. I will work to achieve and maintain proficiency in my practice and continue to expand my knowledge of the law.

To the public and our profession, I offer service. I will strive to improve the law and our legal system, and to make our legal system more accessible, responsive, and effective for all. I recognize the importance of contributing my time and resources to the Bar, public service, community and civil activities. I will honor the requirements, the spirit, and the intent of the rules of professional conduct.

To my colleagues in the practice of law, I offer concern for your welfare. As we work together, I will respect your personal and family commitments. I will share my learning and experience so that we may all improve our skills and abilities.

To the courts and to those who assist them, I offer respect, candor, and courtesy. I will respect and strive to improve the judicial process. I will serve as an officer of the court, encouraging respect for the law and avoiding the abuse or misuse of the law, its procedures, its participants, and its processes.

To opposing parties and their counsel, I offer honesty, fairness, and courtesy. I will seek truth and strive to resolve our clients' disputes in a dignified manner. I will pursue the most efficient and least costly solutions to problems and avoid unnecessary delay.

Note Portions of this Creed were adopted from "A Lawyer's Creed" by the Chief Justice's Commission on Professionalism for the Supreme Court of Georgia, "The Professional Creed" of the American Inns of Court, an essay by Edward Abbey published by Henry Holt & Company, and the writings of Robert L. McMillan.

February, 1997

Tenth Judicial District Principles Of Professionalism For Attorneys And Judges

PREAMBLE

The following Principles of Professionalism are hereby adopted for attorneys practicing within the Tenth Judicial District. These standards are not intended to supplant other rules; all attorneys are bound by the Code of Professional Responsibility and the Rules of Court. Through the Chief Justice's initiative on professionalism, attorneys are encouraged to aspire to a higher standard than is required by existing rules. Consequently, attorneys who fail to comply with these guidelines may expect a gentle reminder from the presiding judge. The gentleness of the reminder may be inversely proportional to the degree by which the attorney's conduct falls short of these expectations.

I. CIVILITY

Professionalism requires civility by attorneys toward one another in the courtroom and in every other professional encounter. No matter how high the stakes or how hotly contested a matter might be, attorneys should be able to shake hands with opposing counsel at the beginning and end of each court appearance or other transaction. Lawyers should seek to maintain a relationship of courtesy, cordiality and respect with opposing counsel, reserving the right to disagree without being disagreeable.

II. COLLEGIALITY

Attorneys should remember at all times to treat their profession as a calling. It is important that each attorney take pride in the profession and conduct himself or herself at all times in a manner that will enhance the profession in the eyes of the community. Attorneys should remember that opposing counsel is an adversary, not an enemy.

III. DILIGENCE

Professionalism requires an attorney to attend to his or her business in a diligent manner. Files and clients should not go neglected and telephone calls should be returned in a timely manner.

IV. CANDOR

Professionalism not only demands honesty on the part of an attorney but also requires

candor in all communications with the Court, opposing counsel, and the client. The protection of client confidence often will prevent disclosure of certain information but will never justify misrepresentation of facts or misleading comments.

V. SEEK A MENTOR/BE A MENTOR

Mastering the nuances of practice can be a daunting task. Experienced lawyers can be of great help to less seasoned practitioners, but all of us can benefit from consultation with others from time to time.

VI. RESPECT

Professionalism means that each attorney will hold and show the utmost respect for the American court system, the presiding judge, opposing counsel, the client, court personnel and him and herself. Each time that you appear in court you should remember that you are not only addressing “Your Honor” but you are also addressing a matter of your honor. As long as you remind yourself of this point, you will not be tempted to engage in personal attacks on opposing counsel, engage in talking objections, openly criticize rulings of the Court, or otherwise engage in conduct that would tend to bring the profession into disrepute. Some examples of the manner in which this respect should be demonstrated include:

1. A lawyer should speak and write courteously and respectfully in all communications with the Court and opposing counsel.
2. Before scheduling depositions, hearings or motions, a lawyer should endeavor to contact opposing counsel and seek mutually acceptable settings.
3. If a lawyer knows that the client is going to submit to a voluntary dismissal of a matter, the lawyer should promptly notify opposing counsel so as to avoid unnecessary trial preparation and expense.
4. A lawyer should make a diligent effort to identify clearly for opposing counsel or parties all charges made in documents circulated for review.
5. In the courtroom, counsel should:
 - a. Avoid interruption of opposing counsel except when necessary to voice an objection.
 - b. Always offer an exhibit or provide a copy in advance to opposing counsel before presenting the exhibit to a witness.

- c. Make reasonable efforts to resolve discovery disputes prior to seeking intervention by the Court.
 - d. Act and speak respectfully to all court personnel.
 - e. Avoid visual or verbal displays of temper toward the Court, particularly upon an adverse ruling from the bench.
6. In the courtroom, a judge should:
- a. Avoid visual or verbal displays of temper toward counsel.
 - b. Accommodate reasonable personal requests by lawyers.
 - c. Treat lawyers and litigants with courtesy and, while maintaining control of proceedings, attempt to do so in a manner intended to avoid personal humiliation.
 - d. Conduct him or herself at all times, in and outside court, in a way that recognizes and avoids the perceptions of favoritism that may arise from actions that are not clearly enunciated.

— Prepared by the Bench/Bar Committee of the Tenth Judicial District Bar, approved by the Joint Board of Directors of the Wake County Bar Association and the Tenth Judicial District Bar, and entered by the Honorable Donald W. Stephens, the Senior Resident Superior Court Judge for the Tenth Judicial District on June 7, 2006. These principles are applicable to all lawyers practicing in Wake County.

**Wake County Bar Association
Joseph Branch Professionalism Award**

1991.....	Robert L. McMillan
1992.....	William Joslin
1993.....	Judge Robert L. Farmer
1994.....	Charles F. Blanchard
1995.....	James K. Dorsett, Jr.
1996.....	Wright T. Dixon, Jr.
1997.....	Charles H. Young
1998.....	Wade M. Smith
1999.....	Daniel T. Blue, Jr.
2000.....	John B. McMillan
2001.....	J. Ruffin Bailey
2002.....	John M. Silverstein
2003.....	Ann Reed
2004.....	E. D. Gaskins, Jr.
2005.....	Roger W. Smith, Sr.
2006.....	Carlyn G. Poole

ACKNOWLEDGMENTS

The first expressions of appreciation must go to the seventy-four members of the Tenth Judicial District Bar who made contributions to this book. Their willingness to contribute their knowledge and experience to the profession as a whole through this book underscores their dedication to improving our profession.

For over ten years, David Long has served as the chair of the Professionalism Committee of the Wake County Bar Association and Tenth Judicial District. His commitment and guidance continue to inspire all of us to service to our local bar. Our gratitude also extends to the thirty-five members of the Professionalism Committee.

Ted Smyth, Robin Hammond, Tom Kilpatrick, Staci Meyer, and George Hearn have all contributed their expertise over a period of many months with countless e-mails and telephone calls along with multiple meetings to bring this project to a successful conclusion.

Alice Roman, the executive director of the Wake County Bar Association and the Tenth Judicial District Bar, continues to guide us gently, seldom, if ever, saying “no” to the most demanding request. Without Alice and her staff, along with Sandy Fisher at Tharrington Smith and Susan Dobbs at Smyth & Cioffi, this book would have continued to be an assortment of great ideas that could have neither been printed nor distributed.

The financial support of the North Carolina Chief Justice’s Commission on Professionalism, the North Carolina Bar Association Foundation Endowment, the Wake County Bar Association and the Tenth Judicial District Bar of North Carolina brought this project to fruition.

June 2007

Carlyn Poole
Project Chair

INDEX OF CONTRIBUTORS

	Page
Alvis, Jerry S., Sr.....	37
Anderson, George M.	16
Arrowood, Catharine B.	45
Bass, Gerald L.	20
Becton, Charles L.	6, 55
Blount, James D., Jr.	59
Bobbitt, Julian D., Jr.	10
Boyette, Richard T.	8
Brock, Walter E., Jr.	56
Bunn, Thomas D.	52
Cherry, William S., Jr.	13
Cheshire, Joseph B., V	17, 30, 44, 58
Collins, G. Bryan, Jr.	52
Cummings, Jasper L.	44
Davis, Thomas H.	31
Desvousges, Honorable Shelly H.	13, 29
Dixon, Wright T., Jr.	23
Eagles, Sidney S., Jr.	54
Farmer, Honorable Robert L.	21
Farr, Thomas A.	45
Ferrell, Michael R.	29
Fountain, John N.	8
Gailor, Carole S.	9
Gardner, Terri L.	52
Gray, Honorable Jane P.	33
Hamilton, Honorable Joyce A.	16, 38, 57
Hammond, Robin M.	47
Hannah, Nan E.	22, 45
Head, Allan B.	53
Holt, C. Mark	41
Humrickhouse, Stephani W.	6
Hunter, Richard S., Jr.	39
Jernigan, Leonard T., Jr.	56
Johnson, Samuel H.	59
Joslin, William	52
Kapp, M. Keith	46
Leonard, Jerry W.	43, 55
Lynch, Maria M.	38

Mabe, John I., Jr.	11
Mackie, Carter G.	57
Manning, Honorable Howard E., Jr.	14
McCormick, Thomas A.	41
McLamb, Catherine C.	14
McMillan, John B.	46, 58
Meuser, John B.	19
Mitchell, Henry A., Jr.	37
Morelock, Fred M.	31
Morgan, Honorable Michael R.	54
Palmé, Steve	57
Pappas, William T.	53
Parker, John Hill	27
Petty, Michael S.	42
Poole, Carlyn G.	51
Presnell, Lacy M., III	54
Reaves, Lacy H.	40
Reed, Ann	51
Sarratt, John L.	15
Satisky, Howard P.	18
Scherer, Sally H.	32
Shaw, John L.	9
Silverstein, John M.	11, 28
Simmons, Geoffrey H.	40, 53
Small, Honorable Thomas A.	19
Spearman, Robert W.	23
Speas, Edwin M., Jr.	16
Tanner, Kathleen P.	55
Thigpen, Cressie H., Jr.	5, 30, 58
Watkins, Reginald L.	17
Weddington, Michael E.	21
West, Thomas R.	43
Wilson, Robert L.	20
Worth, Thomas C., Jr.	14
Wright, Melvin F., Jr.	15
Wyrick, Samuel T., III	51

