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Lawyers Rise to Meet Need for Angel Flights

BY CORBY ANDERSON

"The true measure of a man," British author Samuel Johnson once said, "is how he treats someone who can do him absolutely no good."

By that criterion, at least 12 North Carolina lawyers measure up to the angels. When not practicing law, they use their skills as pilots to provide free air transportation for patients and their families who need help reaching lifesaving medical treatment.

The program has a perfect name: "Angel Flights."

Angel Flights is a grassroots volunteer corps of some 6,200 private pilots. Last year, they provided more than 17,000 flights for children and adults who could not otherwise afford this transportation, according to Steve Patterson, a spokesman for the organization.

The pilots generally pay for the plane and the fuel themselves, although Patterson said more and more corporations are making their own private planes available to Angel Flights. Next year, Angel Flights will roll out a new national program for corporate participants. Until then, he said, he cannot reveal which corporations are involved.

At least two Mecklenburg County lawyers, Tom Bush of Bush and Powers, and R. Lee Myers of Myers & Hulse, fly for Angel Flights. To qualify, pilots must have an instrument rating that permits them to fly in all weather conditions. Bush, who started flying at age 54, said neither of the two state bar exams he has taken was more difficult than the exam he completed, after three years of preparation, to receive his instrument rating.

Bush became involved with Angel Flights last year. He recently flew a child with spina bifida (a cleft spine) from Atlanta to Raleigh. "If you get a chance to take a kid and a mom, you do it," he said.

Angel Flights sends its pilots a mission list every week. A mission generally involves a flight of 400 to 600 miles, Bush explained. Longer flights—for example, from Seattle to Duke



Above: Lawyer-Pilot Lee Myers (right) with passengers who won a flight at an auction sponsored by a local charity

Right: Lawyer-Pilot Tom Bush



Medical Center—typically involve a network of pilots flying in a relay.

Myers said he has flown some 20 Angel Flights in recent years. Several times, he flew one leg of a trip to transport a father from Brunswick County, Georgia, to New York to visit his daughter, who was undergoing an experimental cancer treatment, and his wife, who was staying with her. "That flight popped up every six months or so," he said. "I worried when I didn't see it anymore."

Angel Flights pilots also transport potential transplant recipients at any time of the day or night when they get notice that an organ becomes available for them. The pilots transport organs, blood, tissue, and medical supplies as well. Myers said this kind of mission is stressful to fly. "You get a call at 3 a.m., letting you know you have four hours to get a patient from Asheville to Nashville," he explained. Myers flew one brother into Charlotte to donate a kidney to another brother.

In addition to these types of missions, Angel Flights pilots make flights related to national crises. For example, Bush said, *continued on page 2*

September 2005

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From the President



Marion Cowell,
MCB Foundation President

Let me introduce this year's Board of Directors of the Mecklenburg Bar Foundation for 2005-06. For the Executive Committee, James R. Bryant III returns as our Vice-President, DeWitt "Mac" McCarley serves as our Patron's Fund Chair, Cassandra Tydings serves as Treasurer and Finance and Investment Committee Chair, Maria Long has agreed again to serve as McMillan Fellowship Fund Committee Chair, Robert C. Stephens returns as Past President, and, as you can tell from this column, I will again serve as President of the Foundation. Our other Board Members include Martha G. Barber, Robert M. Bisanar, Charles F. Bowman, Peter Covington, Douglas Edwards, Anthony Fox, Anthony Foxx, Maurice O. Green, Robert E. Henderson, the Honorable Robert P. Johnston, Carolyn Mints, Alice Moore, Raymond E. Owens Jr., Bradley E. Pearce, Randy Phillips, Claire Rauscher, and Christopher M. Vann.

We would like to thank our 2004-05 Board members for all their hard work last year, especially those who have rotated off the Board: the Honorable David C. Keesler, E. Lynwood Mallard (who served as Treasurer and Finance and Investment Committee Chair), and Anne M. Tompkins.

Last month I had the pleasure of hearing first-hand from our two 2005 McMillan Fellows about their experiences working for the District Attorney's office and Legal Services of the Southern Piedmont. Third-year law students Erik Lindahl, who worked for the DA's domestic violence unit, and Hannah Little, who worked on LSSP's Immigrant Justice Project, also on domestic violence cases, enthusiastically described what they learned to our Foundation Board at a recent meeting. I have no doubt that the DA's office, LSSP, and their clients also benefited from Erik's and Hannah's summer work.

This is what the Bar Foundation is all about: our grant recipients receive valuable education, the legal community is enhanced through their education and experience, and the public benefits through this interaction and becomes more aware of what we do. Our Foundation, our Bar, and our profession benefit from investing in this good will and good actions for the community.

And the McMillan Fellows are just one of several beneficiaries of the Bar Foundation's Patron's Fund. Some of the many deserving programs funded over the years include:

- Legal Services for the Elderly so that it could provide seminars on such topics as advance directives, end-of-life issues, financial management, and real property matters;
- the annual Bar Leadership Institute to keep developing future Bar and community leaders;
- the Lawyer Support Committee program that assists Bar members needing treatment for mental illness or addiction;

continued on page 2



Lawyers in the News by Robert P. Johnston

Lueders's Event Raises \$250,000 for Charity

Spencer Lueders's 24 Hours of Booty, the nation's only 24-hour road cycling event, keeps growing.

When he originated it in November of 2002, Lueders rode the three-mile, Myers Park course alone, though he was periodically joined by friends. In 2003, the event was opened up and 100 riders raised \$33,000. Last year, 500 cyclists raised \$100,000 for charity. In this year's fourth annual 24 Hours of Booty, which began at 7 p.m. on July 29 and ended at 7 p.m. on July 30, 825 cyclists raised over \$250,000, exceeding the \$200,000 goal.



Spencer and Susan Lueders with their son Nate and daughter Emma

The monies raised will be donated to the Lance Armstrong Foundation and to the Brain Tumor Fund for the Carolinas.

"I hope the number of participants and the proceeds continue to increase," says Lueders, who— together with his wife, Susan—works on the event "at the kitchen table" year-round. Lueders, a Competition and Patent Counsel for NASCAR, is considering taking 24 Hours of Booty to other cities.

The event has its own website (24hoursofbooty.com), where T-shirts and other clothing items were available for sale this year. Starbucks even created a special "Bootyblend" coffee, which sold over 150 pounds the weekend of the event. "It was quite good," Lueders said.

"Participants can ride by themselves or as part of a team. They can ride one hour or 24. Some are cancer survivors, others ride in memory of a friend, and some just because it's fun," relates Lueders, who especially enjoys hearing the personal stories of those involved.

This year he heard that many participants stayed awake 48 hours straight to help assure everything went smoothly. "It was tough but worth it," Lueders concludes. **MCB**

Wester Elected as American Bar Foundation Fellow

The American Bar Foundation (ABF) has elected John "Buddy" Wester as a *Fellow of the Foundation*.

"The Fellows is an honorary organization of attorneys, judges, and law professors whose professional, public, and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession," according to the ABF website.

Membership is limited to one-third of one percent of lawyers licensed to practice in each state. Members are nominated by Fellows in their jurisdiction and elected by the Board of the American Bar Foundation.

"Being elected a Fellow of the Foundation reminds me what a special honor it is to practice in our profession," said Wester.

A partner with Robinson Bradshaw & Hinson concentrating in complex litigation, Wester was a Morehead Scholar at University of North Carolina at Chapel Hill. He received his law degree at Duke

University, where he was Order of the Coif and Note and Comment Editor of the *Duke Law Journal*.

Also a Fellow in the American College of Trial Lawyers, Wester has been very active in the Mecklenburg County Bar and in the community. He has been chairman of the Arts & Science Council and of ArtsTeach, Inc.

Other Bar member Fellows include John Allred, Ozzie Ayscue, Mark Bernstein, Bob Bradshaw, Julius Chambers, Marion Cowell, Larry Dagenhart, Ray Farris, Joseph Grier, Jr., Dean Hamrick, George Hanna, Hon. Resa Harris, Marcus Hickman, Robin Hinson, Jim Kratt, Francis Parker, Hon. Sarah Parker, Jim Preston, Russell Robinson, Bob Sink, Jim Talley, Dick Thigpen, and "Ace" Walker. **MCB**



Fellow of the Foundation John "Buddy" Wester

Holding Named Czar of UTC

Graham Holding was named *Czar of the UTC* at the annual meeting of the North Carolina Bar Association's Estate Planning & Fiduciary Law Section.

The Robinson Bradshaw & Hinson partner was given a standing ovation by those in attendance after being lauded by Mike Godwin.

"He has attended more long meetings, reviewed more statutes, drafted more statutes, uncovered more problems with proposed revisions, driven more miles back and forth from his hometown to Raleigh, talked to more legislative committees... than anyone else who has served on the Legislative Committee. And he has done all of this with great expertise, fairness, and good cheer.

"This person's great intellect, extensive knowledge of the law, tireless work ethic, and creative solutions are stamped across numerous

North Carolina statutes that he has had a large hand in crafting and revising: The Trust Administration Act, Prudent Investor Act, Principal and Income Act, Modification and Termination of Irrevocable Trusts Act, and the North Carolina Uniform Trust Code," Godwin is reported to have said.

An Order of the Coif graduate of the University of Virginia Law School, Holding has written numerous articles and has spoken at numerous continuing legal education seminars. He is co-author of the *BB&T Estate Planning Forms Manual* (2002 Ed). **MCB**



Czar of the UTC Graham Holding



North Carolina Codes of Judicial Conduct
 Speakers: Supreme Court Justice Bob Edmunds, District Court Judge David Cayer, and Parks Helms, Helms Henderson & Associates
 CLE Credit: 2.5 hours Ethics
 Date: Friday, September 16, 2005
 Time: Reg. 8:30 a.m.
 Program 9 a.m.–11:30 a.m.
 Location: MCB Center, 438 Queens Road
 Fee: \$90 attorney rate

From Cruzan to Schiavo: Lessons for the Future
 Speaker: William H. Colby
 CLE Credit: 1.0 hour Ethics
 Date: Thursday, September 22, 2005
 Time: Reg. 5:45 p.m.
 Reception and Book Signing 6:00 p.m.
 Dinner 6:45 p.m.–7:30 p.m.
 Program 7:30 p.m.–8:30 p.m.
 Location: Hyatt SouthPark, 5501 Carnegie Blvd.
 Fees: \$60 dinner only
 \$90 dinner with CLE credit

WDC Bankruptcy Advanced Practice Institute: The Bankruptcy Abuse and Consumer Protection Act of 2005—A Practical Skills Approach to How the Changes Affect Your Consumer Practice
 CLE Credit: 5.0 hours General
 Date: Friday, September 23, 2005
 Time: Reg. 8:30–9:30 a.m.
 Program 9:30 a.m.–4 p.m.
 Location: Four Points Sheraton, 201 S. McDowell
 Fees: \$210 attorney rate
 \$130 paralegal rate

New Lawyer Orientation 2005
 Sponsored by the Young Lawyers Section—Mark Kutny YLS CLE Chair
 CLE Credit: 4.5 total hours (1.0 Ethics and 3.5 General)
 Date: Thursday, September 29, 2005
 Time: Reg. 8:00 a.m.
 Program 8:30 a.m.–1:30 p.m.
 Location: Spirit Square, 345 N. Tryon Street
 Fees: \$135.00 attorney rate
 \$75.00 paralegal rate

The Search for Accountability in Domestic Violence Cases
 CLE Credit: 6.5 hours General
 Date: Friday, October 14, 2005
 Time: Reg. 8:00 a.m.
 Program 8:30 a.m.–4:30 p.m.
 Location: CMPD Shopton Road Facility
 Fees: \$150.00 attorney rate
 \$75.00 paralegal rate

Psychology 101—Family Law Issues
 CLE Credit: 4.0 hours General
 Date: Friday, October 21, 2005
 Time: Reg. 12:00 p.m.
 Program 12:30 p.m.–4:30 p.m.
 Location: Junior League, 1332 Maryland Avenue
 Fees: \$120 FLS attorney rate
 \$150 attorney rate

A Basic Introduction to Securities Arbitration
 CLE Credit: 6.0 hours General
 Date: Friday, October 21, 2005
 Time: Reg. 8:30 a.m.
 Program: 9 a.m.–4:00 p.m.
 Location: MCB Center, 438 Queens Road
 Fees: \$210 attorney rate
 \$105 paralegal rate

Parent Coordinators
 CLE Credit: TBD
 Dates: Thursday, November 3 and Friday, November 4, 2005
 Location: MCB Center, 438 Queens Road
 Fee: TBD

Social Studies, Science & Suspension—School Discipline Hearing Pro Bono Representation Training
 CLE Credit: 4.0 total hours (3.5 General; 0.5 Ethics)
 Date: TBA
 Location: MCB Center, 438 Queens Road
 Fee: \$45 pro bono attorney rate
 \$135 attorney (no pro bono commitment) rate

Annual Review: Reserve the Date NOW!

CLE Credit: 12.0 total hours (2.0 Ethics, 1.0 Substance Abuse, and 9.0 General), fulfilling one year of NCSB-mandated CLE hours
 Date: Friday, February 10, and Saturday, February 11, 2006
 Location: Four Points Sheraton Hotel, 201 S. McDowell Street
 Fee: \$395 attorney rate

Coming Attractions

- Annual Banking and Finance Forum
- Federal E-Filing
- Substance Abuse/Mental Health Seminars—Live, Video, and Online Options
- Ethics/Professionalism Seminars—Live, Video, and Online Options
- Electronic Courtroom System
- Practice Before the Clerk
- Advanced Negotiations Training
- Wage and Hour Law
- Section Courses

Continuing Legal Education Committee

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

EDITORIAL POLICY

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

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

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

From the President

continued from page 1

- the cost- and life-saving Drug Treatment Court; and
- Habitat for Humanity.

These win-win-win outcomes would not have been possible without the lifeblood of the Foundation: the Patron's Fund Campaign. We greatly appreciate all who gave generously to our past campaigns.

I'm proud to say that this is the 6th year of the Patron's Fund campaign. Thanks to Chair Claire Rauscher's able leadership of the campaign, we raised over \$43,000 in 2004–05.

Our goal this year is \$50,000, and our new Chair Mac McCarley is already at work devising strategies to reach this goal this year.

The Patron's Fund is your opportunity to help people of all ages, from many walks of life, from a diversity of backgrounds with one check. Through your annual tax-deductible contribution, you will enable the Foundation to make a positive difference in the lives of many. I hope you will join with me and give very generously to this year's campaign. **MCB**

Lawyers Rise

continued from cover



Angel Flights passengers



in the days following the terrorist attacks on September 11, Angel Flights pilots transported booties to protect the paws of rescue dogs searching through hot, jagged rubble for survivors of the attack at the World Trade Center.

Angel Flights pilots are supported by a large network of ground volunteers (known as "Earth Angels"), mission coordinators, and donors. Together, they have become the largest charitable air carrier in America.

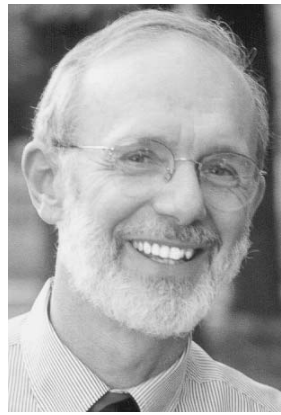
Both Bush and Myers would reject the notion that the mission of an Angel Flights pilot shows "how he treats someone who can do him absolutely no good." They each made it clear that through Angel Flights, they get back every bit as much as they give. As Myers said: "The people you fly are very, very thankful. At the end of a mission, you fly off thinking, 'I've done a good thing today.' I wish I could do this more often."

*Author's Note: Although Angel Flights disclosed that it has 12 lawyer-pilots (including one judge) in North Carolina, it would not reveal any of their names. There may well be other Mecklenburg County lawyers who are Angel Flights pilots, but word of mouth and more than a dozen phone calls by this writer revealed only two. Sincere apologies to any Angel Flights pilots in our Bar who were not named in this story. For more information about Angel Flights, visit www.angelflightamerica.org. **MCB***

Drinking and You

BY DON CARROLL

September is Alcohol Awareness Month.



Don Carroll

It is time to take the temperature of your alcohol use and see where you are. Most lawyers know the importance of getting the facts straight. If you resist understanding your own alcohol use, that in itself may be a telling fact. One of the problems with analyzing your own drinking patterns is that patterns of dependency vary greatly and people who drink too much often don't think of themselves as problem drinkers. Excessive drinking can actually affect one's perception of how much one drinks.

About 10% of the population has a problem with alcohol. Among lawyers the percentage is higher, perhaps as much as 20%. Of the other 90% of the general population about two-thirds of these drink alcohol occasionally. The vast majority of these people use alcohol very moderately and never have a problem with it. These folks will enjoy a drink occasionally with a meal or at a special occasion. The other one-third does not drink at all.

You know those questions on the life insurance applications about whether you drink or smoke? Well, people with the potential to use alcohol beyond the moderate level face substantial health risks. Overdrinking results in up to 200,000 deaths

each year in the United States alone.

People who are problem drinkers tend to hang out and drink with other people who drink exactly like they do. This helps assuage guilt and mixed feelings about drinking.

Alcohol is a drug. It has important effects on your body. Just as a doctor informs you about the effects of drugs that are prescribed you need to know the effect of alcohol on your body.

How much is too much?

Studies suggest that men who have no more than one or two drinks, and females who have no more than one drink a day have no higher risks of health problems than non-drinkers. A drink is 12 oz. beer or a 5 oz. glass of wine or 1.25 oz. of spirits. There is some evidence that light use (no more than 5 oz. a day) of red wine, may have some positive health effects. However, some studies have shown that daily use of grape juice is just as beneficial.

Those who drink three or more drinks a day, especially on a regular basis, run serious health risks. This level of drinking will increase blood pressure and contribute to hypertension. Heavy drinking can disrupt the electrical patterns of the heart and cause the heart to race or skip beats.

Physical Impacts

Alcoholism is a brain disease and the human brain is the first organ often to be damaged by heavy drinking. Continued heavy use actually shrinks the size of the brain due to the destruction of brain cells. Often IQ testing will show drops of 20 points or more by heavy drinkers, from testing that was done earlier in life. One area of the brain that is particularly affected by abuse of alcohol use is that area of the brain that does abstract thinking. In other words, lawyers are particularly at risk to cause

damage to the area of the brain that is most important to performing their function as lawyers. You don't have to be drinking that long for damage to occur. One study found a strong correlation between the amount college students drank and their grades in college.

Although it is possible for heavy drinking to cause permanent damage, such as is found in Wernicke-Korsakoff syndrome, much of the damage to the brain and nervous system caused by alcohol can be reversed with ongoing sobriety.

Alcohol can cause extensive problems to the sensitive tissue of the digestive system. It irritates the lining of the throat and stomach. Heavy drinkers experience significantly higher rates of gastritis, ulcers, and bleeding of the digestive system. Pancreatitis, an especially painful inflammation of the pancreas, occurs at much higher rates in heavy drinkers.

Cancer of the digestive system occurs at more than 40 times the normal rate among heavy drinkers. In addition, the majority of cancers found in the head, neck, mouth, tongue, throat, and esophagus are found among heavy drinkers.

Heavy drinkers often do not eat properly since alcohol contains high levels of calories with no other nutritional value. This is exacerbated by the fact that alcohol prevents the body from fully absorbing and using those vitamins and nutrients from other food sources.

Of course, we all know that the liver is one of the main organs that heavy drinking can damage. The liver is the body's main defense against toxins in the blood. Because alcohol is a toxic chemical, the liver gives priority to trying to get rid of it. In the process it will neglect its other tasks, such as

continued on page 6

The 12 Principles of the Highly Effective Lawyer

BY DAVID T. LINK

We often hear lawyers referred to as problem-solvers. However, it is important to realize that even if a lawyer is highly successful in treating a client's dilemma, it is often not enough. The truly effective lawyer goes beyond simple problem solving in order to help his or her client get on with life.

Two special resources inform the effective lawyer. One is "Legal Education and Professional Development: An Educational Continuum" (hereinafter referred to as the "MacCrate Report")¹ in which an American Bar Association committee enumerated and explained the fundamental values of the legal profession. The second is Stephen R. Covey's books and lectures on the seven (now eight) habits of highly effective people.²

The list that follows combines the prescriptions and advice of the MacCrate Report and the Covey habits. This combination is provided as a convenience to the reader. However, even though some of the principles are taken directly from one or the other of the resources, the reader is strongly advised to get the full impact by reading the original documents.

A highly effective lawyer is one whose client is satisfied not because the representative was an obedient "hired gun," but because the lawyer was creative and truly helped the client (*i.e.*, made a difference in the client's life). Former Chief Justice Warren Burger referred to this as lawyers healing social conflict.

The operative tenet throughout the following list is **Trust**. The highly effective lawyer will earn that trust by pursuing all of the principles.

1. Be loyal to your client. Throughout the relationship, treat your client even better than you would want to be treated. The ineffective law practitioner treats abstract legal problems. This is often referred to as perceiving the file as the client. The effective lawyer views the client as an individual for whom there needs to be a "customized" solution.

Loyalty to your client as your friend implies frequent communication. Under ordinary circumstances you should update your client at least twice a week—more frequently when there is relevant activity. Return calls received from clients, even pesky calls, as soon as possible. Nothing builds confidence better than the courtesy of returning telephone calls or emails.

2. Understand needs, not "wants." At the initial interview, clients, or representatives of causes, are likely to communicate only what the client wants. However, the client is not entitled to all that he or she wants. The client is only entitled to what the client needs. The effective law practitioner will spend sufficient time and questioning to find out what the client *needs* in order to resolve the problem and get on with life in a state of harmony with others involved in any social conflict.

3. Communicate your fee structure. Nothing builds distrust more than someone being charged more than expected. No matter how small the matter, and before rendering any service other than the initial interview, you should give the client a *written* explanation of the applicable fee structure. That fee structure should explain the circumstances under which unusual expenses, or a change in fee structure, may be necessary. You should explain the fee structure to the client and then have the client acknowledge, *in writing*, that the client understands the potential fee computation. If circumstances arise that necessitate substantial additional fees, you should explain this to the client, *in writing*, and have the client acknowledge, *in writing*, the additional expense.

4. Explain confidentiality and the limits thereof. Early in the relationship, you should explain to the client which communications are protected under

confidentiality rules, *and which are not*. For judges and lawyers, the confidentiality rules are set out in the court of jurisdiction's rules. For some law associates, the rules of professional confidentiality may be imputed from supervisors. The same may be true of law practitioners who are not lawyers. In many cases, statements to non-lawyer practitioners may not have any confidentiality protections. In any event, you must explain limitations on confidentiality protection, whether those limitations are prescribed by law, rule, or by the law practitioner's personal *restrictions*.

5. Understand the opposition's needs. As soon as possible, and throughout the entire relationship with a matter, you should make every effort to understand the opposition party's needs, the satisfaction of which might resolve any conflict and allow the opposition to live in harmony with the client. Keep in mind that, like principle 2, this is about needs, not "wants."

6. Explain needs to client. This may be the most important procedural principle. Explain to the client your understanding of the client's *needs* along with your perception of the opposition's *needs*. Listen carefully to the client's response to this explanation.

Endnotes:

¹ Available online from the American Bar Association.

² See: Stephen R. Covey, *The 7 Habits of Highly Effective People*, Free Press, New York.

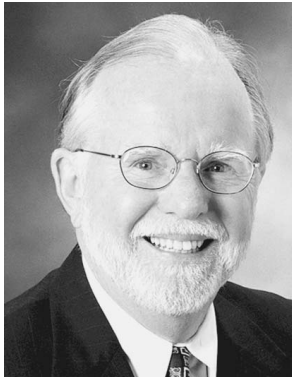
This article is the first of two parts adapted by the author from an article by the same name written by the same author that appeared in Highlights of the American Bar Association Commission on Lawyer Assistance Programs, Volume 8 Number 2, Spring 2005. ©2005 by the American Bar Association. All rights reserved. MCB



Volunteer Lawyers Program Every Lawyer for the Good

Volunteer with VLP The Volunteer Lawyers Program Committee is recruiting committee members. If you are interested, please e-mail vlp@meckbar.org.

Hanna Wins Service Award



George Hanna

George Hanna has been a solid fixture at the Bar for many years. We all know him as MCB president in 2003-04, but some of you may not know that George has had many other roles at the Bar. He was the founding co-chair of the Bar's Special Committee on Diversity, still reads to the kids at Devonshire Elementary School through the Bar's Devonshire Project, and has served on the Board of the Bar Foundation. Close to the Volunteer Lawyer Program's heart, George was also a member of the Volunteer Lawyers Program Committee. His personal experience doing pro bono work and serving on the Committee enabled him serve as an important resource on the Bar's Pro Bono Ad Hoc Committee, which planned for the future of our VLP. George is also a volunteer for the Bar's Pro

Bono for Nonprofits Program as well as Project Pillowtex and continues to serve as a valuable resource for MCB members and the community.

So it is with great pleasure and appreciation that we report George is this year's recipient of the *Sally & William Van Allen Public Service Award* for his commitment to the outreach efforts of his firm, Moore and Van Allen.

Moore and Van Allen also received the Partners in Justice Award at the same ceremony from one of VLP's community partners Legal Services of the Southern Piedmont.

We hope George's example will serve as an inspiration for more of our Bar members to volunteer with our program. VLP always has something you can do to make a difference in our community and in your life. Right now you can help people who are facing foreclosure and bankruptcy, who need health care powers of attorney and wills, and who are disadvantaged and have underserved needs for legal representation. You can also use your business and transactional skills to help local nonprofit organizations serve our community. **MCB**

Exceptional Children Need Your Help

The VLP Committee encourages our Bar members to volunteer with the Education Law Program (ELP) of the Children's Law Center. The ELP seeks to ensure that children with disabilities are afforded a free and appropriate education as provided in the newly amended Individuals with Disabilities Education Act (IDEA). The IDEA requires that schools provide each disabled child an Individual Education Program (IEP) that administers the necessary supports and services for that child's unique needs. Attorneys are needed to represent children in IEP meetings with school personnel, write state complaints to the North Carolina Department of Public Instruction, perform mediation and, in certain cases, handle due process cases through the Office of Administrative Hearings. The ELP also represents children who have been recommended for long-term suspension or expulsion from school.

ELP's IMPACT (Inspiring and Motivating Parent Assistance through Collaboration and Training) program pairs volunteers with parents of children with disabilities. The IMPACT volunteer helps to educate and support the parent through the IEP process. IMPACT volunteers receive free

training that provides an overview of the requirements of the IDEA. Lawyers who are interested in volunteering their time with the ELP are encouraged to attend this training. Upcoming training sessions will take place on September 13 for the first part and September 20 for the second part. Both sessions run from 6:00 pm to 8:30 pm at the Children and Family Services Center (601 E. 5th St.) and dinner is provided.

For more information on volunteering with the ELP or the IMPACT training program, please contact Russ Kratzer at the Children's Law Center at rkratzer@childrenslaw.org or 704/331-9474, ext. 1090. **MCB**

Correction

In the August 2005 issue, the footnote for the "2005-06 Budget Compared to 2004-05 Year End Actual" chart on page 7 should be associated with the Board Fees line item. We apologize for our inadvertent error.

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Founded by the North Carolina Bar Association

Local Attorneys in Races for Office

BY ALAN EDMONDS

Several Mecklenburg County attorneys are running for offices in the September 27th primary and November 8th general election. There are races this fall for Charlotte-Mecklenburg School Board, Charlotte City Council, mayor of Charlotte, and the six other towns and cities in Mecklenburg County.

In the Democratic primary for at-large seats on the City Council, **David Erdman** and **Anthony Foxx** are among the five candidates running for four slots on the Democratic slate in the general election. Erdman practices with Erdman and Hockfield LLP. He served on the City Council in the past, being appointed to fill out a term for a resigning member. Erdman ran for the Democratic nomination for mayor a few years ago. Foxx of Hunton & Williams is making his first run for elective office. At least one of these attorneys must win and be on the ballot for the general election.

Facing them in the general election will be Republican at-large candidate **John Lassiter**, head of Carolina Legal Staffing LLC. There is no Republican primary since there are only four candidates on the Republican ballot. Lassiter is an incumbent and previously served on the school board.

The school board elections have attracted the candidacy of **Mark Sims**, an administrative judge with the Equal Employment Opportunity Commission. He is running in District 4, which was previously Louise Woods's seat. Prior to coming to Charlotte with the EEOC, Sims was a judge advocate general with the Navy and a municipal judge in New Mexico.

Former attorney and school board incumbent **Molly Griffin** is seeking a third term in District 5. Griffin is facing two challengers for her seat.

There is only one attorney running for office in the other towns. **Lee Myers** of Myers & Hulse is running for re-election as mayor of Matthews. Myers has no opposition in his race for re-election. **MCB**

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The Young Lawyers Section—A “Bar within a Bar”

BY JOHN C. NIPP, CHAIR

Although I have been active in the Young Lawyers Section (YLS) for so many years now that I barely qualify for membership anymore, taking over the position of Chair has been more challenging than I anticipated. YLS supports so many projects in our community that it is taking me some time to get a handle on what each requires. As one Bar staff member recently commented to me, YLS is like a little bar within a bar.

Over the years I have come to realize that the many contributions that the YLS offers to the Bar and to the community go largely unnoticed. Sure, we periodically publish the latest YLS happenings in this newsletter. Several people have recently commented to me, however, that they were largely unaware of the YLS, and certainly unfamiliar with what the YLS does.

This is disappointing for at least three reasons. First, those who perform these good deeds should receive the proper recognition and thanks for their work, though I know they do not seek it. Second, it behooves the YLS and the Bar to publicize these good works as part of a larger image campaign. Third, by not properly getting the word out about YLS, we have failed to include many, many young lawyers in our projects who surely are looking for opportunities to meet other young lawyers and support the community.

The YLS Board recently took a step to address this issue by creating the YLS **Public Relations/ Membership Committee**. This committee, headed by Ben Sidbury and

Michael Mascia, is charged with providing more and better information to lawyers and law firms concerning the goings on in the YLS. So if you are a managing partner, office manager, or just a really popular person at your firm, expect a call from someone on this committee asking you to spread the word about the benefits of YLS involvement.

An obvious benefit is that through involvement with YLS, lawyers can contribute to our community. Greg Carlin’s **Community Service Committee** collects Christmas toys for poor families. Heather Kushner’s **Ask-A-Lawyer** project allows citizens to chat about legal problems with real lawyers for free. Amy Butterworth and Cynthia Jones, who co-chair the **Moot Court Committee**, will organize the annual moot court tournament for high school students next March. Eric Trosch and Tim Emry are organizing the upcoming **Swearing In Ceremony**. And there are many more projects.

Of equal importance is the sense of community that the YLS fosters. I am told that young lawyers comprise about half of our Bar. The YLS is best positioned to see to it that as the Bar grows, it does not also grow apart. If you get involved in a YLS



YLS Chair John Nipp

project or two, you will gain friendships along the way that may last through your legal career. This is why the work of our **Social Committee**, headed by Collin Brown and Anne Randall, is so important. They periodically organize (and obtain sponsors for) those enjoyable socials at which we renew acquaintances and make

new ones. If you have been considering involvement with the YLS, the best place to start would be by attending our next social on October 13 at Palomino in Uptown. Look for more information on this event and the YLS in general at www.meckbar.org.

YLS needs you to get involved. Our committees need people to do the work that improves the community and our profession’s image. Likewise, I suggest that many of you need the YLS. You need it to (re)connect you with other lawyers like you and to strengthen the bonds of community and professionalism that make the practice of law more enjoyable. Consider yourself invited. **MCB**

Young Lawyers Section Fall Social

When: 6:30 pm–8:30 pm,
Thursday, October 13, 2005

Where: Palomino Restaurant Rotisserie Bar,
525 N. Tryon St.

Cost: \$5.00 YLS Members, \$10.00 all others

Why: Fun, food, drinks, and networking

More info: Colin Brown (704/377-2500 or
cbrown@horacktalley.com),
Anne Randall (704/444-1419 or
arandall@alston.com)

Join the Young Lawyers Section

And Get Involved on a YLS Committee

If you are 36 years of age or under, or in the first three years of practice, you are eligible to become a member of the Young Lawyers Section of the Mecklenburg County Bar. Unlike other Sections, an annual membership just costs \$10.00.

If you haven’t already checked the YLS box on your MCB membership invoice and paid your YLS dues, please mail in your check for \$10.00 with “YLS” in the memo to Sections Administrator, Mecklenburg County Bar, 438 Queens Road, Charlotte, North Carolina 28207, or pay your dues online through the Bar website at www.meckbar.org before September 30, 2005.

If you’re an up-to-date 2005–06 YLS member who wants to get involved, please complete the form to the right and mail it back to MCB Young Lawyers Section at the Bar address above. For more information about the Committees below, please contact YLS Chair John Nipp at 704/372-6373 or jnipp@dmpm.com. **MCB**

MCB Young Lawyer Section Committee Volunteer Form

Date of birth or Number of years in practice _____

Name _____

Firm _____

Address _____

E-mail _____

Phone _____ Fax _____

I would like to volunteer on the following YLS projects (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Academic Internship Program | <input type="checkbox"/> Ask-A-Lawyer Program |
| <input type="checkbox"/> CLE Planning Committee | <input type="checkbox"/> Community Service Committee |
| <input type="checkbox"/> Education Committee | <input type="checkbox"/> Law Explorers |
| <input type="checkbox"/> Moot Court Committee | <input type="checkbox"/> Social Committee |
| <input type="checkbox"/> Swearing In Committee | <input type="checkbox"/> Public Relations/Membership Committee |



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Court Hosts Juror Appreciation Week

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

The 26th Judicial District hosted the Fifth Annual Juror Appreciation Week July 25–29 in an attempt to raise awareness of the importance of jury service as well as show appreciation for jurors serving that week. This year's slogan was: "Jury Service: We the People in Action." For the second year in a row, the Mecklenburg Bar Foundation was the primary sponsor through a grant.

The week began with the reading of the Proclamation declaring the week as Juror Appreciation Week, signed by Senior Resident Superior Court Judge Robert P. Johnston and Chief District Court Judge Fritz Y. Mercer. WSOC-TV personality Vince Coakley, who recently performed jury service, also spoke to jurors as part of the opening event. Coakley, who co-anchors the evening news on Channel 9, told jurors that their service was "very important to the community." He shared anecdotes about his experience when he served as a juror on a criminal case. "It gave me a great sense of civic pride," Coakley explained. "We could not have a jury system if it wasn't for folks like you." The speech was well received. Coakley ended his speech by thanking the jurors for taking time to serve their community.

Other events during the week incorporated several guest speakers from the court system,

including a courtroom clerk, court reporter, deputy sheriff, as well as administrators who oversee various court programs. Waiting jurors were treated to movies with patriotic themes throughout the day, coffee in the mornings, and popcorn in the afternoon. A drawing for door prizes, including



Jury Coordinator Mary Poston and WSOC-TV's Vince Coakley.

custom tee shirts featuring the Juror Appreciation Week slogan, was held each day. At the end of the week, a drawing was held for the grand prize: a free night's stay at the Adam's Mark Hotel donated by the hotel. Local guitarist Dan Hood played live contemporary songs by such artists as Coldplay and classic tunes by Eric Clapton in the afternoons. New to this year's entertainment was "Magic by Enigma." Chastain Chriswell, a local magician who works at Carowinds, entertained the audience of

jurors with card tricks, jokes, and magic involving audience participation. To add to the festive atmosphere, the Jury Assembly Room was colorfully decorated in a patriotic theme.

Jurors serving during this week felt appreciated. "The presentations given for Juror Appreciation Week were informative and interesting. Watching the patriotic movies definitely boosted my personal level of patriotism," one juror commented. Another stated, "The movies, magician, and musician made waiting much more tolerable. I believe they help keep people awake, upbeat, and probably much more alert for any trial they end up in." Juror Appreciation Week is a time to recognize and honor the citizens of Mecklenburg County who devote their time to participating in our jury system. Our constitution guarantees that all American citizens have a right to a trial by a jury of their peers, and while jury service may be an inconvenience to some, our system of justice could not function without the participation of ordinary citizens. **MCB**

Patron's Fund in Full Swing

By now you should have received a letter from the Bar Foundation requesting your generous donation to our annual Patron's Fund. Please remember your tax-deductible contribution helps fund such worthy causes as

- the continuing education of investigators in the Offices of the Public Defender and District Attorney,
- the Drug Treatment Court,
- the Lawyer Support Committee's program for those Bar members needing treatment for mental illness or addiction,
- the Bar Leadership Institute,
- the Court Clubhouse day care facility,
- training for forensic professionals,
- Legal Services of the Southern Piedmont,
- Legal Services for the Elderly,
- Habitat for Humanity,
- McMillan Fellowship Fund, and
- Ayscue Professionalism Award

We've included a handy remittance envelope in this newsletter. Remember, when you send a check to the Fund, this one good deed will benefit many doing good. Thank you for your support! **MCB**

North Carolina State Bar Election Notice

All active members of the 26th Judicial District Bar as reflected on the official records of the North Carolina State Bar are requested to take notice that an election will be held to fill one vacancy on the State Bar Council effective 1/1/05. This seat is currently held by Irvin W. "Hank" Hankins who is resigning as of 10/20/05 to accept the position of Vice President with the NCSB.

The election will be held by mail pursuant to 27 N.C.A.C. 1A, Section .0800 of the Rules of the NCSB. Any member wishing to nominate a candidate for this office must submit that nomination in writing to the President of the MCB, Judge Shirley Fulton, at 438 Queens Road, Charlotte, NC 28207 on or before 10/14/05. Nominations received after that date will not be on the official ballot. Official printed ballots will be mailed to each active member on or before 10/28/05 and must be returned to the MCB Center on or before 11/14/05 in order to be counted. Under the Rules of the State Bar, the election must be by majority of the votes cast. In the event that no candidate receives a majority, you will receive notice of a run-off election. —Judge Shirley Fulton, President, MCB, 26th Judicial District **MCB**

Bar Leadership Institute Now Accepting Applications

BY MARK W. MERRITT, CHAIR

Program Overview

The primary goal of the Bar Leadership Institute (BLI) is to identify and encourage leaders within the Mecklenburg County Bar. The BLI is structured as a series of seminars designed to provide you with information about leadership and service opportunities in the Bar, the greater Mecklenburg community, and beyond.

But BLI is more than just seminars. It is an opportunity to establish or renew commitments to yourself and others, to recognize behavioral patterns that impact personal and professional growth, and, most importantly, to establish friendships with other attorneys via a shared experience.

The BLI begins with a weekend retreat in January at which you examine fundamental issues like, "what are my priorities?" and "am I doing what I want to do, or what is easiest?" You will be guided by a facilitator, but your growth will come from this unique opportunity for both introspection and insight from your classmates. The retreat is followed during the ensuing four months by a series of six evening

discussion sessions featuring special guests. Past presenters have included Bar and civic leaders, law professors, and judges. A final session in early May will encourage you to reflect on the BLI experience and to consider potential avenues of leadership in your organization, your Bar, and your community.

Program Fees

The tuition for participation in the Bar Leadership Institute is \$1,250, of which \$100 must be paid by the participant. The remaining cost may be paid by the participant or by his/her firm. If the applicant is accepted, payment is due by December 31, 2005. Checks are to be made payable to the Mecklenburg County Bar (credit cards are not accepted).

Financial assistance is available. All interested persons are encouraged to apply. If you are selected, you will be contacted about your financial assistance request.

Applications can be obtained by calling Valerie Munei (704/375-8624, ext. 108) or Mark Merritt (704/377-8337) or at www.meckbar.org. Deadline for applications is October 31, 2005. **MCB**

Drinking and You

continued from page 3

getting rid of fat in the blood and other body waste products. As a result heavy drinkers pile up fat in their livers. This leads to the liver itself becoming enlarged and contributes to the "beer belly" appearance in men. Damage to the liver occurs long before the disease stage of cirrhosis is reached.

Alcohol also affects the immune system. Alcohol takes a systemic toll on the body. Heavy drinkers are much more vulnerable to infections, cancers, and other illnesses. The reproductive systems in both men and women are affected by heavy drinking. In men heavy drinking decreases the level of testosterone and can lead to impotence. In women heavy drinking has been related to increased rates of gynecological problems. Alcohol also changes the sex hormone balances in women and can promote a loss of feminine body characteristics. Alcohol consumed by pregnant women directly affects the fetus and there is no

known safe level of drinking during pregnancy.

In short, alcohol when consumed affects the body throughout. If your drinking is more than the "one to two drinks" definition of moderate drinking, then you may not be in a good position to self-diagnose the effects of your drinking. In such case there are good medical tools available to evaluate the impact of alcohol on your body and determine if you have a drinking problem.

All lawyers in North Carolina can get free, confidential assistance with a drinking issue by calling the Lawyer Assistance Program 800/720-7257 or contacting any member of the Mecklenburg County Bar Lawyer Support Committee: Chair Tom Dickinson, Dr. G.H. Dornblazer, Dr. Michael Hall, Kevin Davis, Michael Kahn, Dr. Joe Parisi, Don Carroll, Peggy Hey, Cheryl Isley, Amanda Mingo, Chris Osborn, Sara Pressly, Cassandra Tydings, and Nancy Roberson. **MCB**

Upcoming Bar & Bar Foundation Events

September 29, 2005 Fall Swearing In

The Swearing In ceremony and reception will be held at Spirit Square (345 N. College) on September 29, 2005. Registration starts at 2:00 pm and the ceremony begins at 3:30 pm at the McGlohon Theatre. The reception immediately follows the Signing of Oaths in the Atrium. For more information and to register for this event, please go to www.meckbar.org. **MCB**

October 14, 2005 Law & Society Luncheon

Dr. Kathy Reichs will be our keynote speaker at this annual luncheon on October 14, 2005, starting at noon at the Omni Hotel (132 E. Trade St.). Dr. Reichs is a forensic anthropologist helping solve real crimes here in Charlotte and in Canada, who also writes best-selling crime novels that serve as the basis for the Fox TV series *Bones* starring Emily Deschanel and David Boreanaz. She will discuss her professional experiences and insights as an expert witness in talk titled "The Bare Bones of Forensic Science—From the Cadaver to the Crime Lab to the Courtroom."

The Ayscue Professionalism Award winner will also be announced at the luncheon. The purpose of this prestigious annual award is to recognize exemplary professionalism through outstanding community service on behalf of the Bar or the Bar Foundation; substantial service to the community, the Bar, or the justice system; and/or high ethical standards, model conduct, unquestioned integrity, and consistent competence.

To register for this exciting event, please use the form below and send it along with a check made payable to the Mecklenburg Bar Foundation by October 7, 2005. (Please note, unlike sponsorships, luncheons are not tax deductible.) We encourage you to register as soon as possible because this is the one event that is also open to the public, and we expect reservations to go quickly.

The luncheon also presents an opportunity to donate to the good works of the Bar Foundation. For more information on tax-deductible sponsorship opportunities, please contact Law & Society Chair Bob Stephens at 704/227-1066. **MCB**

2005 Law & Society Luncheon Registration Form

If entire table (seating 10) desired, please do not use this form, instead please call 704/375-8624

Name _____ NCSB# _____

Company name _____

Address _____

E-mail _____ Phone _____ Fax _____

I'm enclosing a check payable to **Mecklenburg Bar Foundation** TOTALING: **\$35.00**

Please mail your registration form and check by **10/7/05** to
EVENTS, 438 Queens Road, Charlotte, North Carolina 28207

October 24, 2005 Social/Sports Golf Tournament

The 18th Annual MCB Golf Tournament will be held on October 24, 2005, at Carolina Golf & Country Club (2415 Old Steele Creek Rd.). A box lunch will be provided at noon. There will be a shotgun start at 1 pm. A reception (spouses, significant others, and non-participating Bar members are welcome!) will follow the tournament.

The Golf Committee will assign an A, B, C, and D player to each four-person team. Prizes will be awarded to each member of the top three teams based on net score as well as for the longest drive and the closest to the pin. There will also be a random drawing.

Entry fees are \$65.00 per player and include a box lunch, green fees, golf cart rental, prizes, and the reception. Non-participant fees for the reception are \$15.00 per person and include heavy hors d'oeuvres and beverages. Please use the form below to register and send it along with a check made payable to the Mecklenburg County Bar by October 14, 2005. **MCB**

2005 MCB Golf Tournament Registration Form

Name _____ NCSB# _____

Company name _____

Address _____

E-mail _____ Phone _____

Fax _____ Handicap _____

If no handicap, last three 18-hole scores (within three years) _____

Tournament (includes reception): **\$65**

Reception only OR Guest attending reception: **\$15** (name) _____

I'm enclosing a check payable to **Mecklenburg County Bar** TOTALING: _____

Please mail your registration form and check by **10/14/05** to
EVENTS, 438 Queens Road, Charlotte, North Carolina 28207

November 17, 2005 Judiciary Recognition Dinner

Please save the evening of November 17, 2005, for the annual Judiciary Recognition Dinner. This year the dinner will be held at Founders Hall (100 N. Tryon) starting at 6 pm and will honor our local state judges. More information will be available in next month's newsletter. **MCB**

Upcoming General Events

October 7, 2005 14th Annual Clerk of Superior Court Barbeque

The Office of the Superior Court Clerk will hold its Annual Clerk's Barbeque on Friday, October 7, 2005, from 11:30 a.m. to 2:00 p.m. on the front lawn of the Courthouse Annex directly across from the Criminal Courts Building (at the corner of 4th Street and South Alexander Street). Tickets are \$7.00 and may be purchased from any department of the Clerk's office. All Bar members are invited to attend. **MCB**

October 11, 2005 Third Annual Red Mass

The Third Annual Red Mass for the Diocese of Charlotte will be celebrated at St. Patrick's Cathedral at 6:30 p.m. on Tuesday, October 11, 2005. The Red Mass is an annual event celebrated to coincide with the opening of the Supreme Court's judicial calendar. As part of the Red Mass, the participants invoke God's guidance and inspiration on all people who are involved with the practice and administration of the law (lawyers, judges, politicians, police officers, etc.). The Red Mass serves as an opportunity to reflect on the practice of the law, as well as the God-given responsibilities which come with such practice.

The Most Reverend Peter Jugis, Bishop of the Diocese of Charlotte, will preside along with Abbot Placid Solari of Belmont Abbey. Immediately following the Mass, there will be an informal dinner at Frankie's Italian Grille at 800 East Morehead St. RSVPs are not necessary for the Red Mass but are requested for the dinner. RSVPs or further questions can be directed to Co-chair of the Red Mass Committee Matthew Hoefling at Matt.Hoefling@hmw.com or 704/343-2054.

The celebration of the Red Mass is open to people of all faiths and beliefs, and all are invited to attend the Mass and the dinner. The celebration is sponsored by the St. Thomas More Society, Inc., a non-profit association of Catholic lawyers dedicated to inspiring the principles of St. Thomas More in the modern legal profession. **MCB**

Reminder

September 30 Is the Last Day to Update, Sign Up, and Renew!

Please remember your **Mecklenburg County Bar membership** will be considered past due for 2005-06 if you do not renew by September 30, 2005.

This will also be the last day to get your correct contact information for your **listing in the 2006 Directory**. (More info on purchasing listings in the Areas of Concentration will be coming soon.)

It's also the last day you will retain **Section membership benefits** if you have not yet paid your Section dues.

To update your contact info, just cross out the old info on your membership invoice and write in your new firm, address, phone number, and/or e-mail address, if you haven't yet sent in your dues. Your renewal invoice also gives you an opportunity to renew your Section membership(s).

If you've already renewed your Bar membership but forgot to give us your updates, please e-mail (jwiggins@meckbar.org), fax (704/333-6209), or snail mail (438 Queens Road, Charlotte, NC 28207) your new info and check to Jill Wiggins at the Bar right away!

If you've already renewed your Bar membership without renewing your Section membership(s), please mail your renewal fees to Sections Administrator, 438 Queens Road, Charlotte, NC 28207 and indicate on the check which Section(s) you are paying for. **MCB**