



THE MECKLENBURG BAR NEWS

June 2009

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Make a Difference Today – Patrons Fund Campaign

Your donation to the Mecklenburg Bar Foundation's Patrons Fund Campaign makes a difference in the lives of our fellow attorneys and the community at large – providing scholarships, development opportunities, and grants to legal-related programs that may not otherwise be funded. It is our responsibility as both members of the Mecklenburg County Bar and community leaders to ensure that the Mecklenburg Bar Foundation (MBF) extends the reach of our growing legal nexus.

Prior to the kickoff of the 2009 Campaign, we made an appeal to the Mecklenburg County Bar and Mecklenburg Bar Foundation board members, raising more than \$35,000 towards our overall goal of \$125,000. Their names are listed below. While a gift of any amount is greatly appreciated, the success of our campaign rests heavily on the shoulders of substantial donors, including our Patrons (\$2,500-\$4,999), our Barristers (\$1,000-\$2,499) and our Counselors (\$300-\$999). Please consider a jump to "hero status" with a donation of a \$1,000 or more.

What does your donation of \$1,000 mean to MBF funded programs?

- Your gift will help the International House's immigration law clinic to provide low-income immigrants direct access via a dedicated phone line to attorneys and paralegals, as well as to establish the case processing and legal software fees for seventeen clients.
- Your \$1000 donation will help fund the Council for Children's Rights' Custody Advocacy Program, a program that represents children caught in the

midst of high-conflict custody disputes. Your contribution helps fund a part-time attorney who oversees custody cases for children in need of legal representation. Approximately 180 children receive high quality legal representation through this program annually. With an annual expense budget of only \$250,000, the success of the Custody Advocacy Program, and the children who depend on it, rely on funding sources such as the MBF.

Your heroism is critical to our success. In these difficult economic times, it is easy to assume the responsibility of supporting the Patrons Fund is that of another member. The reality is that we need your help now more than ever. Donate now and allow the Bar and Foundation to inspire others by recognizing your contribution in our ongoing programs and publications.

Enclosed in this issue of *The Mecklenburg Bar News* is your pledge envelope. Please complete and return it before July 31st. If you intend to be billed, the Foundation is happy to create a billing cycle specific to your needs. You can also mail a check to MBF Patrons Fund, Mecklenburg Bar Foundation, 438 Queens Rd., Charlotte, NC 28207 or donate online at www.meckbar.org by clicking "MBF Online Donations".

For additional details, please contact Stephen Belenky, director of Communications & Development at sbelenky@meckbar.org or 704/375-8624.



Mecklenburg Bar Foundation's Patrons Fund

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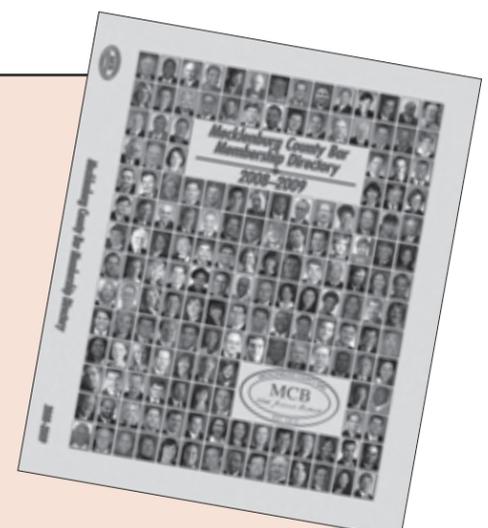
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2008-09 MCB Directories Are Still Available

The 2008-09 Annual Membership Directory will be a critical resource for you and your staff to find important contact information on the courts, judges, and agencies. You'll find contact information for each member, individually and by firm. So order copies for your paralegals and support staff today! Order online at www.meckbar.org by clicking the Annual Directory tile on the right of the home page, or call 704/375-8624.





MCB Volunteer Spotlight: Ryan Rich

Ryan is an associate with Hunton & Williams' commercial litigation practice. Ryan has truly embraced the pro bono opportunities Hunton has to offer by diving into a death penalty post-conviction case. Ryan had to do a great deal of research before getting involved with this matter, and we applaud his willingness to take on such a challenging case.

Name: Ryan Rich

Current Employer / number of years with current employer: Hunton & Williams LLP, 1.5 years

Area of Practice / Expertise: Complex commercial litigation

Law School / Law School Graduation Year: University of North Carolina - Chapel Hill, J.D., 2007

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

RR: The American Bar Association asked Tom Cottingham, one of the firm's senior litigation partners, to take on a death penalty post-conviction case in Alabama. Tom asked me to help him by researching some issues for the case. The more I learned the more interested I became. Soon Tom gave me more significant responsibility in the case.

MCB VLP: What is a atypical case / issue like?

RR: Our client was sentenced to death despite the fact that his jury recommended by an 11 to 1 vote that he should be sentenced to life in prison without parole. A statute in Alabama allows the trial judge to

override the jury's recommended sentence.

MCB VLP: How do you prepare for handling such cases / issues?

RR: Working on criminal appeals; particularly a death penalty case, involves doing a lot of research. I have also been in contact with experienced death penalty litigators to discuss issues and potential arguments.

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

RR: I did not have any specific training, but we have strong resources in this office and throughout our firm. Our Charlotte White Collar & Special Investigations team consists of three former state and federal prosecutors and several of our more seasoned litigators have experience in these types of cases.

MCB VLP: If case law is applicable, are there any benchmark cases?

RR: While the Supreme Court of the United States, in *Harris v. Alabama*, 513 U.S. 504(1995), upheld an Alabama statute that permits trial judges to override a jury vote and sentence a defendant to death, that case still requires that such statutes adequately channel the trial judge's discretion so as to prevent arbitrary results. We are arguing, in part, that our client's sentence was arbitrary and in violation of *Harris*.

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

RR: My hope is that more lawyers would be willing to accept cases where a defendant's rights have been

violated, especially in the context of capital cases where arbitrary sentencing has the most severe consequence.

Through this case, I have learned a lot about the practical importance of upholding the rule of law, no matter how one might feel about the underlying facts.

MCB VLP: How can the Mecklenburg County legal community help with similar cases / this issue?

RR: The Equal Justice Initiative, an organization handling many death penalty cases and addressing other serious civil rights issues, can be reached at 334/269-1803, or you can contribute at www.eji.org.

If you are interested in additional areas of pro bono work, please contact Mary Jordan Mullinax at the Volunteer Lawyer Program for initiatives like this one and many others. She can be reached at 704/375-8624 or mjmulinax@meckbar.org. **MCB**



Ryan Rich

Notice

A newly implemented C.J.A. Plan for the U.S. District Court for the Western District of North Carolina requires attorneys, whether presently on the C.J.A. Panel or interested in becoming a member of the panel, to submit an application to the selection committee for consideration. The application can be obtained from either the court website (www.ncwd.uscourts.gov) under Forms, Criminal or from the website home page of Federal Defenders of Western North Carolina: <http://ncw.fd.org>.

The completed applications are due on or before June 30, 2009.

If you have any questions, contact any member of the committee or
Kathy Phillips,
Branch Manager,
Federal Defenders of
Western North Carolina,
One Page Avenue, Suite 210, Asheville,
NC 28801
828/232-9992 or
Kathryn_Phillips@fd.org.



Attorneys and staff at Horack Talley, Poyner Spruill and Cozen O'Conner sport their t-shirts in support of the Ronald McDonald House in Charlotte. The firms raised more than \$5,800 for the House scheduled to open next year.

JACK A. HEIL CPA/PFS
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