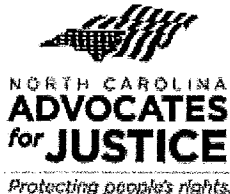


Andrea Davis

From: Stewart Clontz [teresa@ncaj.com]
Sent: Wednesday, May 27, 2009 2:59 PM
To: Andrea Davis
Subject: Read All About It -- May 2009 Newsletter!



AUTO TORTS Section Newsletter

May 2009

From the Communications Chair

Hello and Welcome to the May edition of the North Carolina Advocates for Justice Auto Torts Section e-Newsletter.

In this edition you will find:

- 1) Interrogatories by Michael A. Jordan, Law Offices of James Scott Farrin
- 2) On Point - Topics from the Section Listserv
- 3) Appellate Issues of Importance
- 4) NCAJ Membership Renewals, and
- 5) Convention 2009.

We would welcome any member willing to do an article of an area of law, practice or technology that they find useful in our area of practice. Please contact me if you have an interest in writing an article. We hope this Newsletter will assist you in your life and practice as an attorney member of the Auto Torts Section.

Thank you and please enjoy!
Stewart Clontz
Communications Chair, Auto Torts Section

Interrogatories

Each month an Auto Torts Section member responds to a few questions regarding their practice and experience, growth and changes in the auto torts practice area. This month Michael Jordan, and as he often says "the other Michael Jordan" - but no less a UNC fan, agreed to answer questions for our *Interrogatories* spot. I appreciate his willingness to do this and hope you all enjoy!



Michael A. Jordan is the managing attorney for the Personal Injury Practice of the Law Offices of James Scott Farrin. Headquartered in Durham, the firm has more than a dozen offices across the state and represents individuals in a variety of claims, including: personal injury, workers' compensation, medical

malpractice, professional negligence, defective products, nursing home neglect, Social Security Disability, intellectual property, racial discrimination, and mass torts.

Michael received his J.D. from the North Carolina Central University School of Law (1993) and his B.A. in journalism from the University of North Carolina at Chapel Hill (1989). He is an active member of the North Carolina Advocates for Justice, in which he currently serves on the Legislative and Publications committees as well as serves as Publications Chair for the Auto Torts Section. Michael is a contributing author for NCAJ publications such as *Trial Briefs* and the [North Carolina Personal Injury Liens Manual](#) and has served as a moderator or speaker at CLE programs for NCAJ and the North Carolina Bar Association. He and his wife Maggie have been happily married since 1993 and are blessed with two wonderful children, Alyson and Eric, whom they home school. Michael can be contacted at 1-800-220-7321 or at mjordan@farrin.com.

1) What was your first trial and how did it go?

My first trial was a District Court traffic case back in 1993. I remember I was so nervous that I was sure the judge could hear my knees knocking during my argument. I don't actually remember the outcome of the specific trial (I must have won, of course!), but I quickly became much more comfortable in trial.

2) What was your most memorable trial and why?

There are a lot of good candidates here, so it's hard to pick just one or two. I'll mention a couple that had special meaning for me personally. For trial in 1998, I later ended up having to testify against a judge who violated judicial standards in the course of the trial. That one sticks out, but not in an especially good way. I happened to come across the Supreme Court opinion of the judge's censure recently, though. Another of the earlier criminal trials comes to mind because about 5 people followed me out of the courtroom trying to hire me after watching my trial. Those were some personal highlights, but all the trials are memorable for the people you helped and how much it meant to them. I believe the best things about trials are the bonds you form with your client. You spend a lot of time together around a trial, and it's a great opportunity to really invest in someone.

3) What did you learn most from mentoring lawyers when you started?

The biggest lessons I gleaned from other attorneys during my first few years of practice are: preparation gives you an advantage, you need to develop a genuine relationship with your client, you should always know the rules of court thoroughly, it is important to always conduct yourself professionally, and your heart needs to be in the right place.

4) What would you share with a young lawyer now?

Many of those same lessons, really. I think professional courtesy has taken a beating over the past two decades, so I really stress that to young attorneys now. The greatest thing to me about being an attorney is that I get to help people every day. That really charges my batteries, and I try to convey how good that feels when I speak with young attorneys who are trying to figure out what to do with their careers.

5) How has the insurance defense bar changed?

In the arena of auto torts, I think defense attorneys seem to be spread more thinly. As a result, they neglect discovery although some try to paper the process to death. There seems to be a significant lack of professionalism among some defense attorneys, and some seem to have no sympathy at all for the additional pain they put victims through. Of course, that's not the way every defense attorney is; many of our best plaintiff's lawyers now were defense attorneys at one point until they realized where their hearts lay. But it does seem somewhat less professional on the whole. Maybe it's just that I see the bad apples too often now.

6) Please comment on the state of the auto injury practice in NC.

Like many things, values of cases have dropped since I starting practicing in 1993. Basic soft tissue cases had a lot more value at that time than they do now. Juries are even more skeptical of plaintiffs now, and it was bad enough then. The drumbeat of "tort reform" rings out at virtually every turn. It takes a lot more effort to get top dollar on a case now that carriers have restricted the authority of their adjusters. I look back wistfully at settling a case over a personal lunch meeting with the adjuster and then being able to develop a good relationship with that person. You can still develop something of a relationship, but they just have less authority now than they used to.

7) Who was the first personal injury client who touched you and why?

I represented the family of two 23-year-olds who were killed when a tractor trailer rammed their car off a bridge and into the river. This happened back around 1995 or 1996. The family was poor, but they were good people. They were in shock. The two who were killed left behind a daughter who was less than a year old. The family contacted me because a local pastor recommended me to them. I still remember sitting in their den, surrounded by pictures of the family, and trying to help them make sense of it all. But there was no sense to make of it, and we all cried at some point in the conversation. Later, the carrier surprised me with an initial offer of only \$300,000. After a lot of work, the claim settled for the policy limits. Despite that, I felt absolutely miserable because I knew the money would never replace what this family had lost. My daughter was born in 1997, and my son in 1998. I still think about that young girl having to grow up without her parents, and I can't imagine the pain that family went through.

Please email [Stewart Clontz](mailto:Stewart.Clontz) with any suggestions of Section members that you would like to participate in upcoming Interrogatories.

On Point - The Auto Torts Section Listserv

Membership in the Section listserv is a tremendous and valuable (**and free**) benefit of being an Auto Torts Section member.

Below is a list of wide-ranging topics that have been recently discussed by Section members on the listserv. As you can see, these topics greatly benefited all members of the Section listserv.

- DWI Causation?
- Video Camera
- Proposed Reversal of New UIM Coverage Law
- Comparative Fault Bill Passes NC House
- Appealing Medicare IME Payment
- Know this Doctor?
- Wake County Bi-furcated Trial
- Plea of "Responsible" and PJC
- In Trial -- Need Help -- "admitted" liability
- Criminal conviction for Use at Civil Trial
- Anti-Solicitation Letter Legislation
- UIM Stacking (Benton v. Hanford)
- Complaint -- Wheel Files off Trailer
- Settle Out 1 Defendant, but keep lawsuit...
- Case Value Help -- Mediation Today
- Proposed Ethics Rule 1.8
- NC Healthchoice Reimbursement
- Asheville Neurologist for Closed Head Injury
- Potential Dram Shop Claim -- Contrib. Issue
- ERISA? -- BCBS Stop Loss Coverage and Rawlings
- Medical Expense Instruction
- Guilford County Verdict today
- Surveillance Videos
- Quick Hit Release Challenge
- Do I Need an A & P Summons
- Randolph County Verdict
- Venue -- Gaston County v. Cleveland County

So don't delay - contact [Andrea Davis](mailto:Andrea.Davis) to set-up your Section listserv account.

Appellate Issues of Importance to NCAJ Members & their Clients

- Do you have an issue going up for appeal that you think might be particularly important to our organization or our practice areas?
- Do you have an appeal likely to make a significant difference for or against the interests of the people we serve?
- Do you need assistance on an appellate case involving issues of broad importance to NCAJ members?

If your answer is "Yes" to any of these questions, the North Carolina Advocates for Justice may be able to provide assistance with drafting your principle brief, providing moot court opportunities, or writing an amicus brief. Complete the [NCAJ Appellate Assistance Form](#) and return to Todd Barlow. This service is provided under the leadership of Burton Craige, NCAJ Legal Affairs Counsel and NCAJ member.

NCAJ Membership Renewals for 2009-2010 Are in the Mail!

As an NCAJ member your support is vital to the mission of NCAJ - Protecting People's Rights - and to the success of the overall organization!

[Renew Today](#) and continue to take advantage of the benefits that affect your practice:

- Sections and Divisions specific to your practice
- Listserv access
- Online Trial Notebook/Document Bank access
- Mediation Rooms available at NCAJ
- "Eclips" daily news updates
- "Trial Briefs" bi-monthly legal journal
- Discounts on Continuing Legal Education
- Amicus brief writing/filing
- Membership dues installment payment plan option
- www.ncfreelegalhelp.com
- Mentoring program
- Legislative updates
- Print directory listing
- Online directory listing
- Discounts on products from West, Lexis Nexis, FindLaw
- "eBrief Notes" weekly newsletter
- Networking opportunities
- Credit Union membership
- Access to online language learning program
- CLE materials provided electronically
- CLEs provided across the state
- Online CLE
- Legislative representation
- Community Service Projects
- Online members toolbox
- And much, much more!

You are essential to the many programs that NCAJ provides. When you renew, upgrade your membership.

To continue to receive the many NCAJ membership benefits, please click [here](#) to renew today.

Please contact [Lisa Truitt White](#), Membership & Marketing Director, at 800.688.1413 with any membership questions.

Thank you for your continued support!

Convention 2009 - Register Today!

June 20 - 24, 2009, Sea Trail Resort, Sunset Beach

Sea Trail Resort has reduced the rates on most of their rooms this summer. Reserve your room at Sea Trail Resort by calling 800.624.6601 today.

Don't miss out on these exciting happenings at Convention:

Saturday, June 20

Civil Masters in Advocacy Seminar

- John Day (Economics of Case Selection)
- Gary Gober (Paradigms of Advocacy for the 21st Century Trial Lawyer: Who Will Survive?)
- Rex Parris (Cognitive Persuasion)
- Gary Pillersdorf (Courtroom Presentation in the Midst of Financial Turbulence)
- Robert Pottroff (Depositions & Technology)
- Billy Walker (Seven Deadly Sins of Dealing with Experts)

Welcoming Party - Safari Style!!

Sunday, June 21

Keynote Speaker - Erwin Chemerinsky

Auto Torts Section Meeting (8 AM to 10 AM)

Kirby & Holt Reception, Reverse Raffle, Texas Hold'em Tournament, DJ Dance Party

Monday, June 22

Concurrent Law Updates

- Auto Torts (Sean Cole)
- Civil Law (David Pishko)
- Insurance Law (Doug Maynard)
- And much, much more!

Tuesday, June 23

Concurrent Workshops

- Update on NC Rate Bureau to Standard Auto Policies (Chris Nichols)
- Maneuvering through the Maze of DMV (Brenda Johnson)
- Economic Perspective (Rich Halpern)
- Ethics in the Digital World: Where We Are, Where We're Going and How to Avoid Trouble En Route (Susan

Olive)

President's Gala - Convention Finale!

Don't delay - REGISTER TODAY!

2008-2009 Auto Torts Section Officers

Julie Bell, Chair (*Winston-Salem*)

Jeremy Tanner, Vice Chair & Ethics Chair (*Clayton*)

Don Higley, Secretary (*Greenville*)

Kerry Sutton, Immediate Past Chair (*Durham*)

Tom Ainsworth, Membership Chair (*Charlotte*)

Adrienne Blocker, CLE Chair (*Greensboro*)

J. Stewart Clontz, Communications Chair (*Durham*)

Sean Cole, Listserv Security Chief (*Durham*)

J. Brett Davis, Legislative Chair (*Raleigh*)

Michael Jordan, Publications Chair (*Durham*)

Chris Nichols, Legal Affairs Chair (*Raleigh*)

R. Alfred Patrick, PAC Chair (*Greenville*)

Registration Powered by 123Signup