

North Carolina Association of Defense Attorneys
The Right Affiliation. The Right Resources. The Right Reasons.

Judicial Candidates' Forum

October 1, 2010



Grandover Resort & Conference Center
Greensboro, North Carolina

The North Carolina Association of Defense Attorneys brings together civil trial attorneys to promote the exchange of information, ideas, and litigation techniques, and to strengthen the practice, improve the skills, and enhance the knowledge of lawyers defending individuals and businesses in North Carolina.

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Judicial Candidates' Forum Agenda

I. Call to Order

Welcome & Introductions

David N. Allen, Immediate Past President

II. Candidates for Associate Justice, NC Supreme Court

Robert C. Hunter, Judge, NC Court of Appeals

Barbara A. Jackson, Judge, NC Court of Appeals

III. Candidates for Judge, NC Court of Appeals

Ann Marie Calabria, Judge, NC Court of Appeals

Jane P. Gray, Judge, 10th Judicial District – District Court

Richard A. Elmore, Judge, NC Court of Appeals

Steven Walker, Judicial Clerk, Chambers of the Hon. Edward T. Brady, NC Supreme Court

Martha Geer, Judge, NC Court of Appeals

Dean R. Poirier, Appeals Referee, NC Employment Security Commission

Sanford L. Steelman, Jr., Judge, NC Court of Appeals

John F. Bloss, Attorney, Private Practice

J. Wesley Casteen, Jr., Attorney, Private Practice

R. Christopher Dillon, Attorney, Senior Vice President CapStone Bank

Jewel Ann Farlow, Attorney, Private Practice

Daniel E. Garner, Attorney, Counsel to Commissioner of Banks

Stanley F. Hammer, Attorney, Private Practice

Mark E. Klass, Senior Resident Superior Court Judge, 22B Judicial District

J. Douglas McCullough, Attorney, Private Practice

Anne Middleton, Attorney, Appellate Section, NC Attorney General

Harry E. Payne, Jr., Attorney, Manager of Compliance, NC Office of Economic
Recovery & Investment

John C. Sullivan, Attorney

Cressie H. Thigpen, Jr., Judge, NC Court of Appeals

Pamela A. Vesper, Attorney

IV. Final Comments & Adjournment

David N. Allen

Luncheon Following Forum

CANDIDATE PROFILES

CANDIDATES FOR THE NORTH CAROLINA SUPREME COURT

Brady Seat

Robert C. “Bob” Hunter

Associate Judge, NC Court of Appeals

Education: National Judicial College, Appellate Course
J.D., UNC-Chapel Hill School of Law, 1969
B.A. UNC-Chapel Hill, 1966



Experience: Judge, NC Court of Appeals, 1998–present; Hunter & Evans, PA, 1970–1988; NC House of Representatives, 1980–1998; Assistant District Attorney, 1969–1970.

Barbara A. Jackson

Associate Judge, NC Court of Appeals

Education: J.D., UNC-Chapel Hill School of Law, 1990
B.A., UNC-Chapel Hill, 1984



Experience: Judge, NC Court of Appeals, 2005–present; General Counsel, NC Department of Labor, 2001–2004; Associate, Holt York McDarris, LLP, 1997–2000; Deputy General Counsel, GACPD, 1992–1996; Associate General Counsel to Governor Jim Martin, 1991–1992; Law Clerk to Former Chief Justice Burley Mitchell, NC Supreme Court, 1990–1991.

Question: Pursuant to NC Rules of Civil Procedure 12, 50 and 56, the court is required to remove a case from the jury when justified by the law and the evidence, regardless of the consequences to the parties, but many trial judges appear reluctant to do so. Following the guidance of the US Supreme Court, federal courts in North Carolina and elsewhere have been increasingly apt to dismiss at the pleadings stage those cases offering no plausible argument for merit and many federal cases are dismissed or pared down by summary judgment upon the conclusion of discovery. Is it time to follow the federal example and give our trial courts guidance and encouragement to enable them to properly weed out or narrow appropriate cases?

CANDIDATES FOR THE NORTH CAROLINA COURT OF APPEALS

Calabria Seat

Ann Marie Calabria

Associate Judge, NC Court of Appeals

Education: J.D., Campbell University School of Law, 1983
B.A., Fairleigh Dickinson University, 1977



Experience: Judge, NC Court of Appeals and mediator, 2003–present; District Court and Certified Juvenile Court Judge, 10th Judicial District, 1996–2002; Sole Practitioner, Cary, 1991–1996; Associate, Hutchens & Waple, Fayetteville, 1990–1991; Contract Specialist, US Department of Housing and Urban Development, 1989–1990; Sole Practitioner,

Fayetteville, 1988–1989; Associate Professor, University of Maryland, Overseas Division, Heidelberg, Germany, 1986–1987.

Jane P. Gray

District Court Judge, 10th Judicial District

Education: J.D., Campbell University School of Law, 1979
B.A., University of Florida, 1979



Experience: District Court Judge, 2002–present; General Counsel to Speaker of the House, 1999–2001; Special Deputy Attorney General for Policy and Planning, 1992–1998; Associate, Assistant and Special Deputy Attorney General, 1980–1991; Summer Clerk, U.S. Attorney’s Office, Eastern District, 1978.

Question: *For years our Association has been in favor of increased resources for the judicial branch of our state government. We have lobbied in successive years for increased pay for Judges but so far our legislature has not seen fit to address these needs. What needs to be done to motivate the public or the legislature to get behind these efforts? On a personal level, given that many law firms in North Carolina pay their first year associates a higher salary than the Chief Justice of North Carolina earns, what do you see as the implications of this disparate pay policy?*

Elmore Seat

Richard A. Elmore

Associate Judge, NC Court of Appeals

Education: J.D., NC Central University School of Law, 1982
B.S., Guilford College, 1974



Experience: Judge, NC Court of Appeals, 2003–present; General Practice of Law, Greensboro, 1982–2002.

Steven Walker*

Judicial Clerk, Chambers of the Hon. Edward T. Brady, NC Supreme Court

Education: J.D., Campbell University School of Law, 2005
B.A., Clemson University, 2002

Experience: Law Clerk in the Chambers of the Honorable Edward T. Brady of the Supreme Court of North Carolina.

Question: *If you could change one aspect of the appellate process in North Carolina (whether it be court procedure, appellate rule, practice of appellate lawyers, or something else) what would that be?*

Geer Seat

Martha Geer

Associate Judge, NC Court of Appeals

Education: J.D., UNC-Chapel Hill School of Law, 1983
A.B., Bryn Mawr College, 1980

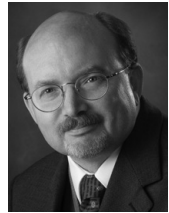


Experience: Judge, NC Court of Appeals, 2003-present; Founding Partner, Patterson, Harkavy & Lawrence, LLP, Raleigh, 1991–2002; Partner and Associate, Smith, Patterson, Follin, Curtis, James, Harkavy & Lawrence, Greensboro and Raleigh, 1986–1991; Associate, Paul, Weiss, Rifkind, Wharton & Garrison, New York, 1983–1986.

Dean R. Poirier

Appeals Referee, NC Employment Security Commission

Education: J.D., UNC-Chapel Hill School of Law, 1993
M.A., Fairleigh Dickinson University, 1981
B.S., Bridgewater State College, 1979



Experience: Adjunct Instructor of Law; Appeals Referee; Solo Practitioner; Attorney, Law Offices of Ann Marie Calabria; Legal Research Consultant/Trainer, Lawyers Cooperative Publishing/West Publishing.

Question: *Many of today's civil cases involve testimony from competing expert witnesses. The North Carolina Supreme Court recently addressed the admissibility of expert testimony in *Howerton vs. Arai Helmet, Ltd.* and held trial courts must decide preliminary questions concerning qualifications of experts or the admissibility of expert testimony. The opinion further stated that trial courts are not bound by the Rules of Evidence and have "wide latitude of discretion when making a determination about the admissibility of expert testimony." The standard of appellate review for the trial court's decision as to the admissibility of an expert's opinion is an abuse of discretion standard.*

As a candidate for a North Carolina appellate court, what evidence would you generally look for to determine whether the trial court abused its discretion regarding the admissibility of expert testimony?

Steelman Seat

Sanford L. Steelman, Jr.

Associate Judge, NC Court of Appeals

Education: J.D., UNC-Chapel Hill School of Law, 1976
A.B., Davidson College, 1973



Experience: Judge, NC Court of Appeals, 2002-present; Resident Superior Court Judge, 20-B Judicial District; 1992–1994, Partner, Steelman & Long, Monroe; 1988–1992, Sanford L. Steelman, Jr., Monroe, 1988–1992; Partner, Griffin, Caldwell, Helder & Steelman, PA, Monroe, 1980–1988; Associate Attorney, Griffin, Caldwell, & Helder, Monroe, 1976–1980.

Question: A number of high profile cases in recent years have led to allegations of prosecutorial abuse or police misconduct with respect to the rights of criminal defendants. There have been instances where trial judges in response to such actions have imposed sanctions, including limiting sentencing options. How do you view the best way to address issues of prosecutorial and police misconduct? What are the appropriate means to ensure public confidence in the verdict while also deterring misconduct?

Wynn Seat

John F. Bloss*

Attorney at Law

Education: J.D., George Mason University School of Law, 1993
B.S., College of William and Mary, 1987

Experience: Partner, Robertson Medlin & Bloss, Greensboro

J. Wesley Casteen

Attorney and CPA

Education: L.L.M., University of Alabama School of Law, 2010
J.D., Campbell University School of Law, 1994
B.S., Wake Forest University, 1989

Experience: Attorney, Carolina Legal Counsel, Wilmington, 2004-present; Attorney & CPA, Wishart Norris Henninger & Pittman, PA, Burlington, 2001-2004; Attorney, Ludlum & Casteen, 1995-2001; Senior Accountant, Carroll's Foods, Inc. 1994-1995; Staff Accountant, Barton W. Baldwin, CPA, 1990-1991; Staff Accountant, Scharf-Pera & Co., CPAs, 1989.



R. Christopher Dillon

Sr. Vice President, CapStone Bank

Education: J.D., UNC-Chapel Hill School of Law, 1990
B.S., UNC-Chapel Hill, 1987

Experience: Senior Vice President of CapStone Bank, 2006-present; Vice President, SouthTrust/Wachovia Bank, 2000-2006; Attorney, Fountain & Dillon, a Real Estate Services Firm, 1996-2000; Attorney, Young Moore & Henderson, 1990-1996.



Jewel Ann Farlow*

Attorney at Law

Education: J.D., Wake Forest University School of Law, 1988
B.A., Duke University, 1980

Experience: Sole Practitioner, Greensboro, 1991-present; Attorney, Rivenbark Kirkman Alspough & Moore, 1988-1991.



Daniel E. Garner

Attorney, Counsel to the NC Commissioner of Banks

Education: J.D., UNC-Chapel Hill School of Law, 1982
M.B.A., Kenan-Flagler School of Business, UNC, 1982
B.A. UNC-Chapel Hill, 1974

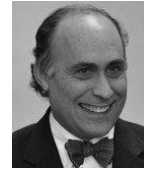


Experience: Counsel to the Commissioner of Banks, 1999-present; Appeals Referee, Employment Security Commission, 1991-1998; Private Practice, Durham, 1982-1991.

Stanley F. Hammer

Attorney at Law

Education: J.D., Campbell University School of Law, 1984
M.Lib., University of South Carolina, 1977
B.A., University of South Carolina, 1974



Experience: Partner, Wyatt Early Harris Wheeler, Burlington, 1995-present; Instructor of Business Law, Guilford College, 2001-2005; Assistant Public Defender, 18th Judicial District, 1990-1995; Law Clerk to the Honorable Louis B. Meyer, Associate Justice, NC Supreme Court, 1986-1987; Director of Research and Assistance Professor of Law, Campbell University School of Law, 1985.

Mark E. Klass

Senior Resident Superior Court Judge, 22B Judicial District

Education: J.D., Campbell University School of Law, 1984
B.A., UNC-Chapel Hill



Experience: Superior Court Judge, 22B Judicial District, 1999-present; Private Practitioner, 1986-1988; Assistant District Attorney, 22nd Judicial District, 1984-1986.

J. Douglas McCullough

Attorney at Law

Education: J.D., University of South Carolina, Columbia, 1970
A.B., UNC-Chapel Hill, 1967



Experience: Private Practice, Stubbs & Perdue, P.A., 2009-present; Associate Judge, NC Court of Appeals, 2001-2009; Private Practice, Stubbs & Perdue, P.A., 1996-2001; U.S. Attorney's Office, Eastern District of NC, 1981-1996; Counsel, U.S. Senate, 1977-1981; Philadelphia Organized Crime Strike Force, 1974-1977; U.S. Marine Corps (Col. U.S. Marine Corps Reserve (Ret.)), 1970-1974.

Anne Middleton

Appellate Attorney, NC Attorney General's Office

Education: J.D., Wake Forest University School of Law, 1995
B.A., UNC-Chapel Hill, 1982



Experience: Appellate Section, NC Attorney General's Office, 1999-present; Revenue Section, NC Attorneys General's Office, 1997-1999; Assistant District Attorney, Pitt County, 1995-1997.

Harry E. Payne

Attorney, Manager of Compliance, NC Office of Economic Recovery & Investment

Education: J.D., Wake Forest University School of Law, 1977

B.A., UNC-Chapel Hill, 1974



Experience: Manager of Compliance, NC Office of Economic Recovery & Investment, Current; Chairman, NC Employment Security Commission, 7 years; Commissioner, NC Department of Labor, Member NC Council of State, two terms; Legislator, NC House of Representatives, six terms; Private Practitioner, Scott, Payne, Boyle and Swart, Wilmington, 15 years.

John C. Sullivan*

Attorney at Law

Education: J.D., NC Central University School of Law, 1985

B.A., NC State University, 1980

Experience: Solo Practitioner, 10 years; NC Attorney General's Office, 7 years.

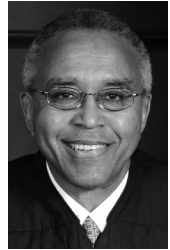
Cressie H. Thigpen

Associate Justice, NC Court of Appeals

Education: J.D., Rutgers University School of Law, 1973

B.S., NC Central University, 1968

Experience: Associate Judge, NC Court of Appeals, August 2010-present; Special Superior Court Judge, 2008-2010; Partner, Thigpen, Blue, Stephens & Fellers, 1976-2008; Solo Practitioner, 1974-1976; Staff Attorney, Durham County Legal Aid Society, 1973.

**Pamela Vesper***

Auditor/Investigator/Lawyer, NC Real Estate Commission

Education: J.D., Tulane University, 1993

B.A., Vanderbilt University, 1988

Experience: Auditor/Investigator, NC Real Estate Commission, 2006-present; Assistant Legal Counsel, NC Real Estate Commission, 1999-2006; Special Projects Counsel, Securities Division, NC Secretary of State, 1998-1999; Law Clerk, Judge Charles Ward, 4th Circuit Court of Appeals.

Question: *The public's perception is that indigent defendants facing capital murder charges have unlimited access to some of the best legal talent in North Carolina and that the taxpayers and the State are required to fund high levels of cost for expert witnesses and forensic analysis. In the economic environment in which we find ourselves, and where in the last several years terms of court having been cancelled due to lack of resources or inadequate pay for court reporters, how does the judicial system balance protection for those few with the proper administration of justice for the many?*

*Information of these candidates was not received by the time of printing. Information provided was adapted from the NC State Board of Elections 2010 General Election Judicial Voter Guide and the 2010 Special Edition Judicial Voter Guide.

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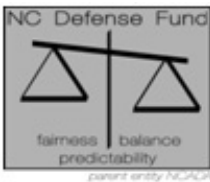
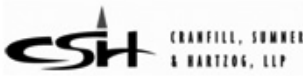
* deceased

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Notes

Acknowledgments

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