

## CONCURRENT SESSION

### 10 THINGS A SUPERIOR COURT JUDGE WANTS YOU TO KNOW.....

By: Judge Ola Lewis

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## Ola M. Lewis

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399 North Shore Drive, BSL, Southport, NC 28461  
(910) 845-0622/964-5216; [Judgeola@aol.com](mailto:Judgeola@aol.com)

### Objective

To serve an organization through my extensive experience as a jurist, former prosecutor and legal counselor.

### Career Profile

Twenty-four years of progressive legal experience resulting in current position of Senior Resident Superior Court Judge Judicial District 13 B. Proven ability in providing exceptional case management for substantial civil and criminal dockets. Recognized throughout my career by the legal profession and by the community for leadership and dedication.

### Career Accomplishments

- Recognized for innovative sentencing as District and Superior Court Judge
- Served as Faculty Advisor and facilitator for National Judicial College
- Creation of Therapeutic/Specialty Courts for Brunswick County
- Exceptional prosecution rate as Assistant District Attorney

### Qualification Highlights

- Passionate about the legal profession; dedicated and committed to providing exceptional legal services
- Insightful legal professional; known for creative approaches
- Excellent at identifying key issues and bringing proceedings to appropriate closure in a fair and timely manner
- Recognized in the profession and in the community as a leader

### Professional Background

**Senior Resident Superior Court Judge  
13<sup>th</sup> Judicial District**

**2006 - present**

Responsible for all administrative duties, budget request of commissioners, all technology and equipment for the office and personnel, all personnel matters, creation of and maintaining local rules and bail policies, appointing magistrates including chief magistrate, appointment of jury selection officer, request commissions and assignments

from the Administrative Office of the Courts for court schedule to allow for the effective and efficient management of substantial civil and criminal dockets in my home county; responsible for implementing Drug Treatment Court, Mental Health Court, Domestic Violence Therapeutic Court, DWI Therapeutic Court and a Sex Offender Monitoring Court and preside over the same; travel in a thirteen county division to preside over substantial civil and criminal dockets in the division. Preside over jury trials and conduct wide range of pre-trial proceedings civil matters, including but not limited to, medical mal-practice, contract matters, decedent's estates and personal injury, and in criminal cases, up to and through acceptance of guilty pleas. Created a monthly series, the Brunswick County Courthouse Concert Series, wherein local groups are invited to perform in an effort to bring performing arts to the citizens of Brunswick County. Implemented Continuity Of Operation Plan for local court system in case of acts of terrorism or natural disaster. Elected in 2010 to an eight-year term.

**Resident Superior Court Judge  
13<sup>th</sup> Judicial District**

**2002 - 2006**

Responsible for substantial civil and criminal dockets; traveling in a ten county division. Presiding over jury trials and conducting wide range of pre-trial proceedings civil matters and in criminal cases, up to and through acceptance of guilty pleas. Elected in 2002 to an eight-year term.

**Special Superior Court Judge  
State of North Carolina**

**2000-2002**

Appointed by Governor to serve as a Special Superior Court Judge for the state of North Carolina. Responsible for substantial civil and criminal dockets; traveling statewide.

**District Court Judge  
Bladen, Brunswick and Columbus Counties, NC**

**1993 - 2000**

Presided over District Court of the Thirteenth Judicial District and handled administrative matters as Acting Chief District Court Judge. Advised defendants at felony first appearances and set bond. Presided over non-jury criminal trials and jury civil matters in controversy up to \$10,000 as well as magistrate appeals and domestic court issues.

**Assistant District Attorney  
Brunswick County, NC**

**1991-1993**

Prosecuted felonies and misdemeanors including juvenile and domestic criminal matters in the 13<sup>th</sup> Prosecutorial District. Handled such actions as conducting bond hearings, interviewing witnesses, and advising law enforcement officers.

**Law Clerk and Staff Attorney**  
**Thigpen, Blue, Stephens & Fellers**  
**Raleigh, NC**

**1989-1991**

Argued motions and obtained depositions as well as prepared pleadings, motions, and briefs while gaining criminal, probate and appellate experiences. Received concentrated experience in the litigation of general liability actions.

### **Education**

**Juris Doctor, North Carolina Central University Law School, Durham, NC 1990**

- Honors included; Student Bar Association Service Award
- Phi Alpha Delta Law Fraternity
- Disciplinary Committee

Admitted to North Carolina Bar, August 1990

**Bachelor of Science, Business Administration, Fayetteville State University, 1986**

- Graduated magna cum laude
- Membership in Kappa Delta Phi and Alpha Kappa Mu Honor Societies

### **Miscellaneous**

- Old North State Award
- Woman of Achievement Award, General Federation of Women's Club
- Vice President North Carolina Bar Association
- Volunteer Award, School of Extended Hope, Bladen County
- Honorary Chair, March of Dimes, Whiteville
- Lawyer's Weekly Woman of Justice Award

## Ten Things A Superior Court Judge Wants You To Know

### **1. Take time out for you.**

According to the website Mental Health America, February 11, 2015, Rest is very important to your well being and your physical and mental health.

According to the site

You need 7-8 hours of sleep for adults. If you don't get a restful night's sleep you may notice that you wake in a haze and experience difficulty organizing your thoughts. When you consistently do not get enough quality sleep, you are at higher risk for illnesses such as heart disease, diabetes, obesity, headaches and depression.<sup>1</sup>

Take time out for you!

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<sup>1</sup> Mental Health America, February 11, 2015

Rest- get to bed as soon as possible  
a dark, cool room works best for me  
without the TV. Find what is best for  
you....

Socialize- spending time with friends and family is a good thing. According to an article by Dr. mark Stibich entitled Simple Steps to Increase Your Life Expectancy, Life Expectancy can be increased by simply socializing with your friends and family. Usually, the more connected one is, the better your overall health!<sup>2</sup>

## **2. Understand Your Role**

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<sup>2</sup> Dr. Mark Stibich, Simple Steps To Increase Your Life Expectancy, [http://longevity.about.com/od/liveto100/ss/life-expectancy\\_2.htm](http://longevity.about.com/od/liveto100/ss/life-expectancy_2.htm), February 11, 2015.

I wish to thank my friends and colleagues at The McGougan Law Firm for allowing me to use their picture. They are from left to right T. Scott Sessions, Kevin Bullard and Will Callahan. On the right is my dear friend Shelly Horsniak. She is a former legal assistant and this is who she felt like in her role.

So who is this Super Person?

You are! Thank you for all of your hard work. I know you are there! I know who gets the work done and keeps us moving cases. You are loved and appreciated and I want you to KNOW it!

You are the non-lawyer with "lawyer like" abilities! The American Bar Association adopted the ABA Model Guidelines for the Utilization of Legal Assistant Services

in 1991.<sup>3</sup> These ten guidelines designate a lawyer's professional responsibility when employing and supervising paralegals. I know you are familiar with them but remember to re-familiarize yourself periodically. Moreover, according to your Association website, you have adopted the National Association of Legal Assistant's Code of Ethics and Professional Responsibility.<sup>4</sup>

So, You are required to know the law, rules and procedures; however, you may not represent a client before a court of law.

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<sup>3</sup> ABA Model Guidelines For The Utilization of Paralegal Services, Preamble, February 11, 2015.

<sup>4</sup> North Carolina Paralegal Association Website, NALA Code of Ethics and professional Responsibility February 11, 2015



You produce work product, though the lawyer maintains responsibility for the work product.

You may not establish the attorney-client relationship. Though you may be responsible for calling the client with updates. You do not set fees....though you may collect the money.

You SHALL NOT practice law! Though you sit beside or behind the attorneys during trial and hand them the right case when they are arguing the wrong thing!

And my favorite...you will get thrown up under the bus by your boss....oh! let them file the wrong motion or miss a court date! It will be all your fault!

As long as you know and understand the important role you play....you will be successful.

### **3. Build Relationships. One of the most important things you can do is build a bridges and forge relationships.**

According to the New Zealand Law Society website, February 11, 2015 in an article entitled :

[Interpersonal skills important for lawyers](#)

**05 July 2013 | By Elliot Sim**

**And I am quoting directly from this article-**

"The skills required to practice the technical aspects of the law are almost the polar opposite of the skills required to

run effective relationships, says corporate psychologist Dr Lynley McMillan.<sup>5</sup>

She draws on 20 years' business experience – specializing in corporate psychology – with law, finance, accounting, and consulting firms, and has a range of clients including partners, chief executives, and boards of directors.<sup>6</sup>

The stressful and time-scarce nature of the profession compounds the issue.<sup>7</sup>

When time is squeezed by huge workloads and client demands, it mutes our social skills. The higher our workload is, the harder it is to slow ourselves down and know what the other person is going through<sup>8</sup>.

“When someone is pushed for time and building relationships, empathy is placed on a schedule of extinction. This means that the relationship building becomes less satisfying and our interpersonal skills actually begin to diminish. It’s a logical outcome that we become drawn to the technical, as opposed to the interpersonal facets of our roles,” Dr McMillan says.<sup>9</sup>

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<sup>5</sup> Elliot Sim, Interpersonal Skills Important for Lawyers, New Zealand Law Society Website, July 5, 2013, , 2013 February 11, 2015

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

Research indicates that people gravitate toward law based on having personality traits such as being ambitious, skeptical, perfectionist and a need to be in control.<sup>10</sup>

These qualities that persuade juries work like acid on relationships.<sup>11</sup>

### Lawyers' skills v relationship building skills

- A lawyer skill is to doubt, but trust is important for relationship building.
- A lawyer skill is to cross-examine and they will quite often do that when a relationship is under stress.
- A lawyer skill is to argue, although admitting when you have got things wrong builds a relationship.
- An attacking stance can be a good skill to have, but when building relationships we need to accept people have weaknesses and sometimes they're emotional and unpredictable.
- Lawyers avoid professional vulnerability. Conceding a point is a better relationship building skill.

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<sup>10</sup> Elliot Sim, Interpersonal Skills Important for Lawyers, New Zealand Law Society Website, July 5, 2013, February 11, 2015

<sup>11</sup> Id

- A lawyer skill is to think for others. Listening or respecting other's opinions is a relationship building skill.<sup>12</sup>

### Having the ability to 'change gears'

Switching from cut-throat courtroom etiquette to professional relationship building with a client requires a deliberate choice.<sup>13</sup>

### Why is Networking Important?

Networking works! Most practices know that business is generated through sustained networking activity. They know the nuances and benefits of networking:<sup>14</sup>

- Quality relationships take time to build and get stronger over time. They cannot be maintained without regular communication.
- People tend to feel most comfortable with others in their age group. Typically, a range of five to seven years on either side of a person's age creates an atmosphere of compatibility.

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<sup>12</sup> Id.

<sup>13</sup> Elliot Sim, Interpersonal Skills Important for Lawyers, New Zealand Law Society Website July 5, 2013,, February 11, 2015

<sup>14</sup> Michael M. Smith, Association of Legal Administrators,, Making Contact: The Importance of Networking, Findlaw.com, March 26, 2008, February 11, 2015.

- People who share common interests (religion, political affiliation, physical exercise, children of the same age) transcend most age barriers.
- People are attracted to others who are most like them, or to those who offer unique perspectives.
- People appreciate and remember when you show personal interest in them or others important in their lives (family, employees, charitable activities).
- People do business with people they like, trust, confide in and feel comfortable around.<sup>15</sup>

– See more at: <http://practice.findlaw.com/law-marketing/making-contact-the-importance-of-networking.html#sthash.YxD94659.dpuf>

## 4. Have A Mentor-

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<sup>15</sup> Id.

The most beneficial thing that happened to me as a young law student was to find a mentor. She found someone to help me write so I would pass the bar, and I am grateful to say I passed on my first attempt. I watched her reach great heights, I have seen her take defeat with great courage and I have observed with pride this woman become the first African-American Woman to Serve on the US Fourth Circuit. I do not talk to her every day.....I do not have to. She is there. And there are others, who have gone before me just like her.

And there are those who do not look like me, who know nothing of my walk except that which they have seen....the good,

the bad, the ugly....who have befriended me along the way. They are there with prayer, words of encouragement, a shoulder to cry on and that ever trusty bottle of Merlot.

So whether they are on the front lines, behind the scenes, related to you or closer than a brother.....A mentor will help you navigate the waters, without jealousy, faultfinding or fear.

## **5. Be Prepared For Each Case**

In my 22 years as a trial judge, nothing gripes me more than to see a lawyer, whose matter has been pending for



months, and yes, years, who is not prepared for court. It is a true disservice to your client, damaging to one's reputation and image.....and let me tell you word gets around.

If you have 100 cases pending, you must give the one before the court your full attention as it is the most important case you have.

## **6. Know Your Trial Judge**

Do your research on your judge! Know our habits...if they start court on time or are they always late but expect you to be

on time. Do they like civil law or is criminal their comfort zone.

Has the judge ever been involved in a lawsuit? Is he or she a stickler for the local rules, are they a local judge or are they visiting the district for a day or for six months? Put out feelers on list serve...the comments are wild!

## **7. Know Your Opponent**

My brother, Cliff, played pro football. One very important thing the coaches engaged the players in was watching game tapes from their opposing teams. This provided valuable information on

their opponent's strengths and weaknesses.

In similar fashion as knowing the judge...research opposing counsel, their clients, the firm.....the information you glean in your research may prove to be very helpful.

## **8. Never Cross Ethical Lines**

Though being unethical may not be criminal, they often cross paths on the road to destruction. We touched on something in the section of knowing your role. You will be given an ethics review here during your conference. Please do not allow anyone, or anything, greed,

sex, money....stand in the way of your career, your family or your freedom.

It is never worth it.

## **9. Prepare For Any Outcome**

If practical, when working with a civil litigator, encourage your attorney to engage in mediation and settlement talks early...time is money. Moreover, have a sound motion's practice. I have seen several cases go to trial that may have ended at summary judgment if only the motion had been filed. Yes, you must have a good faith basis for the motion, but do not be too conservative in your thinking. Each case is usually

distinguishable, the law is evolving and there are judges who are willing to listen to arguments and make a decision in favor of SJ. However, I know personally just how stinging it's effects are. If you win at SJ you may have to begin to defend on appeal. If you lose your client must determine if it is cost effective to appeal.

Before trial, understand juries are unpredictable....no matter what the jury consultant says and how much you have paid her to say it!

Anything may happen during a trial, jurors and judges get sick, witnesses, no matter how much preparation do not always testify well. Discovery issues arise and the list goes on!

My best advice is to expect the unexpected with a smile on your face. Life happens sometimes to the tune of millions of dollars.....and sometimes to goose eggs.

Sophisticated jurors, thanks to the many legal shows and special attention to high profile cases demand courtroom drama with ever changing technology and science to be met with ease....and, most importantly for it all to happen in an hour with limited commercial breaks because they are living busy lives and need to get back to work!

## **10. Move On**

Some of the best advice I have ever had in life came from my Grandmother Rebecca, my beautiful Mom, Doris and my heart, my Father, Mose.

Some of the best lessons in life I have actually learned from my dog, Emma, named my Dad's oldest sister, for her sweet yet devilish nature. I found Emma on the side of the road, wandering in the rain. She is a black lab and I saved her from an 18 wheeler....

I opened my car door and she hopped right in on my lap and laid her wet, stinky self, full of ticks and fleas, on me all the way to Fayetteville.

She was no longer a wandering pup and ready to "move on" from that life. I never remind her of where or how I found her. She offers our family unconditional love and that is enough for us.

She will protect her territory. She will bark ferociously at a stranger but once trust is established she "moves on" and will bring her best toys to share.

And when life has given her just a bit too much, and she has a belly full, she will grab me for a walk.....and once she finds the perfect spot to just let it all go....she will kick some dirt over that stuff and move on!



This is my attitude...we have to prepare ourselves for the next day, the next case, the next lawyer, the next firm, the next career. Do not let anything keep you miserable or complacent. Joy, find, keep and do not let anyone steal.....if they try, remember Emma!