

## CAMERAS IN THE COURTROOM

Supreme Court as Reality TV?

By: Allen C. Brotherton, Esq.

Many citizens never enter a courtroom; their only experience is through the lens of a television camera. As one who is in court almost every day, I know that TV can give a pretty distorted view of the legal system. Judge Judy, the People's Court, and similar shows are geared more toward entertainment than staying true to "real-life" legal proceedings. Despite showing snippets of real trials, the screaming heads on Nancy Grace and other commentary shows also sensationalize the proceedings more than provide education about the workings of the court system. At the other end of the spectrum, we have some trials televised from start to finish. Regardless, the question has been raised and debated: is allowing a nationwide viewing of a trial the same as simply adding seats to the gallery, or does it somehow affect the way witnesses testify and jurors rule, impacting the outcome? There has been less concern about the effect on lawyers and judges.



Now, new questions may need to be addressed. In June, a bill was introduced in Congress to require that all U. S. Supreme Court hearings be broadcast on national television. While it includes an exception where a majority of the justices vote otherwise in a particular case based on due process considerations, it seems those situations would be rare. Could this exposure affect the lawyers and justices and impact the outcome of cases? Could it affect public acceptance of the court's decisions that is so important to the rule of law in American society?

The Supreme Court is designed to be a check on the political, elected bodies. The justices are appointed for life, so that they may decide cases on the legal merits, without regard

## NCAJ SUMMER CONVENTION

In June, many of our attorneys and legal assistants attended the annual North Carolina Advocates for Justice Convention, held this year in Wilmington, NC. Attorneys in North Carolina are required to fulfill yearly hours requirements to continue our education as litigators. Our own Heather Piercy gave a wonderful speech, and paralegal Kathi Gemza led a workshop as a leader for legal assistants. As is common with many of these public forums, Eddie Knox and others were recognized for their continuing legal excellence.



for the popularity of their decisions. However, the justices are human. Most were involved in politics before their appointment, and it is clear they have political ideologies. If they know, for example, that a particular decision may affect a political race, will they be able to

resist the temptation? We need look no further than our experience in North Carolina, where the justices are elected, to see what happens when the court is infected with political considerations. We have one justice in particular (hint: cue banjo music- "justice tough but

fair") who is known among lawyers for deciding cases on ideology, not the law. We can only hope our national justices can continue to apply the rule of law without regard to politics, even if the spotlight is turned on and the cameras are rolling.

## MAYOR'S YOUTH EMPLOYMENT INTERN SPOTLIGHT

By: Ayman Ibrahim, MYEP Student Intern

My name is Ayman Ibrahim and I am a rising senior at Vance High School. My birthday is July 15th (go cancers). I was born in Sudan and moved to the United States at 6 months old. I am fluent in Arabic and semi-fluent in French.

I was placed to intern at the Knox Law Center through the Mayors Youth Employment Program (MYEP) which exposes high school students in CMS to careers in many different fields. I was fortunate enough to be placed at the Knox Law Center.

Although I haven't yet completed my 8 weeks of interning, I have learned a lot of information about the law and law enforcement.

Interning at the Knox Law Center has been a great experience. I'd like to thank Mr. and Mrs. Knox for opening their doors to MYEP interns and all the other attorneys who have allowed me to work with them. I'd also like to thank Ms. Sherry Crump for allowing me to work by her side and putting her trust in



me. Knox Law Center: Thanks for everything; I greatly appreciate it.

## SUMMER CONVENTION NOTABLE

By: Heather Piercy, Esq.

Last month, I had the honor of serving as a speaker at the North Carolina Advocates for Justice Conference for Paralegals in Wilmington, North Carolina, at the Hilton Riverside. I addressed more than 60 members of the legal profession from across the state on the topic of

"Managing a Busy Personal Injury Caseload."

My presentation was focused on two essential elements of handling a demanding PI caseload: efficiency and effectiveness. I shared our firm's systematic approach to personal injury cases. We believe our



approach is both efficient and effective, and one that, most

importantly, delivers favorable outcomes for our clients.

During my presentation, I also spent a great deal of time discussing the importance of communication. The North Carolina Bar Association reports that one of the number one complaints from clients across the state is failure to communicate.

Communication is particularly

important in a personal injury case since there can be a long waiting process between the time of the accident and the time the client finishes treatment. Even if it is after 5:00 p.m. or on a weekend, the professionals at this firm strive to return client phone calls or e-mails in a timely manner. We reach out to our clients who have been injured when we

know they have undergone surgery. Our clientele makes us who we are, and each and every phone call is an important one to us.

The presentation was also a useful forum for gaining insight into how other law firms from across the state are dealing with the statutory changes in the personal injury area of the law.

## SUMMER LAW CLERK AT KBKG

By: Caleb Partee, Law Clerk

I recently began my internship with Knox, Brotherton, Knox and Godfrey halfway through my second semester as a law student at Charlotte School of Law. In the few months I have had the opportunity to work with the firm, I realize why so many people love Mr. Knox and why this firm has such an amazing reputation. It has been an honor so far to work beside and learn from these attorneys and paralegals that work at this firm. When Ms. Crump approached me to write a short bio on myself for the newsletter I was truly honored.

I was born and raised in Charlotte, North Carolina living around the city for most of my life. I recently graduated from Campbell University in 2012 where I majored in

History/Pre-Law, and had the opportunity to be active in Student Government, lead a Bible Study, and help coach the Women's Club Basketball team. I also had the opportunity to intern at Aston Properties, a real estate development firm, which continued to raise my interest in real estate law. I currently attend Charlotte School of Law and will start my 2L year in the fall. During my first year, I joined the Environmental Law Society, received the Presidential Scholarship, made the Dean's List and received a Cali-Award.

Outside of school, I enjoy being outdoors whether it is on Lake Norman or on Wrightsville Beach. I also enjoy spending



time with my family, fiancé, and friends. I attend Hickory Grove Baptist Church where I enjoy teaching (or playing) Sunday School with 1-2 year olds.

I cannot thank everyone at the Knox Law Center enough for not only extending me the opportunity to come and work and learn at this firm, but also for the kindness and welcome they have shown me. I have truly been blessed with this opportunity and have learned so much already.

## COURT CASES IN THE SPOTLIGHT

By: Michael G. Knox, Esq.

Lawyers Weekly provides lists of the most important and interesting opinions handed down by NC Superior Courts, the NC Court of Appeals and the NC Supreme Court. We review cases on a weekly basis as they are announced and have chosen a few to pass on to our special clients that we feel impact the areas of law that may interest you.



### **Alienation of Affection and Criminal Conversation**

#### Szczepaniak v. Mayfield

The Court ruled in favor of Plaintiff awarding \$1,357,200 after Plaintiff's wife entered into an affair with Defendant. Key evidence in the case came from phone records between Defendant and Plaintiff's wife while she was working at Defendant's bonding company. The Court deemed the records permissible after Defendant, representing himself, failed to appear at a scheduled hearing in his case. Defendant, however, did appear at the subsequent damages hearing where he was ordered to pay nearly 1.4 million dollars.

### **Federal Family Leave Act Claim**

#### Covert v. The Lane Construction Corp.

A District Court jury ruled against a man that claimed he was wrongfully terminated under the Family Medical Leave Act, which entitles an employee with a "serious health condition" to a leave of absence from work. Plaintiff was terminated after missing three consecutive days from work. After Plaintiff was terminated, he was taken to the hospital complaining of symptoms indicating the possibility of a heart attack. He sought compensation from his former employer. Defense argued that his condition did not predate his termination and that Plaintiff had a history of routine absences from work.

### **Defective Construction Claim**

#### Gunkel v. Robbinsville Custom Molding

After a couple's newly built home's foundation began to crack, they sued their contractor for breach of contract. The Gunkels claimed that Robbinsville Custom Molding (RCM) failed to uphold their side of the contract because they did not perform soil density tests on the lot. Superior Court Judge Martin Reidinger ruled in favor of RCM because the engineer, not the contractor, of the project was responsible for making certain that the ground could sustain the weight of the plaintiff's home.

### **Eminent Domain Settlement**

#### NC DOT v. Morris

A Superior Court mediator awarded a family in Wake County \$10.3 million after the N.C. Department of Transportation's I-540 Outer Loop extension cut their 35-acres by half. The family argued that their land's potential for development had been damaged irreparably. Eminent domain is the process of the government financially compensating citizens for the seizure of their land for government purposes, i.e. roads, public buildings, etc.

## Racial Harassment Claim

EEOC & Continius Gill v. A.C. Widenhouse, Inc.

The U.S. Equal Employment Opportunity Commission originally filed suit on behalf of Mr. Gill, who claimed racial hostility in the workplace. Gill was fired after making several complaints to his manager about racial slurs directed towards him and other co-workers. Defense argued that the company's owner, not the manager, decided to terminate Gill's employment and that it was based on performance, not race. But a jury in U.S. District Court disagreed and found for the plaintiff awarding \$243, 509 in damages.

## LIABILITY COMPANY ISSUES

They Now Want to Choose **Your** Doctors

By: Frances Knox

After working with personal injury cases for over twenty-five years, I am always amused when I see something come in the mail from liability companies (the defendant's insurance company) advising how "they are here to help you."

We recently received "Helpful hints for your medical claim" from an insurance company.

Some of the hints were helpful if you wish to proceed without assistance of an attorney. Most of them we would never advise our clients to heed.

The first suggestion is to ask that all information be forwarded to them and they will pay your providers directly. This may be true but it is not ever done timely in spite of the document saying they will be usually paid within thirty days.

Our experience is that these are never paid until the treatment is finalized.

The next suggestion is that you and your provider will receive an explanation of benefits. This does not timely happen. The company also pays what they feel is "reasonable and customary" in the area. Where does that leave you as the injured victim? It leaves you to pay the rest out of your pocket!

The next statement is simply the most amazing to me - "we will reimburse you for co-pays related to the accident? - just send us the bill"

If anyone reading this has seen that happen, I would like to see it.

This insurance company sends letters advising that they have lists of "preferred medical providers" and will help you get an appointment if their



insured causes you injury! Really!

Do you want the other side picking your doctor from their special list of doctors? I think not. If they are on their preferred list, you can rest assured their loyalty is not to you.

-Think before you sign a medical authorization for the insurance company;

-Think before you ever let them pick your doctors;

-Think before you let them send payments to medical providers without your first seeing these bills;

-Do not ever give a statement to the other side without seeking legal advice.



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