

# Moore Law

910.240.4878

EST. 2020

PLLC

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12 March 2024

**Town of Holden Beach  
Board of Commissioners  
c/o Heather Finnell  
via e-mail**

## **In Re: RFP Legal Services**

To the Holden Beach Board of Commissioners and Mayor Holden,

Moore Law, PLLC is a solo firm that focuses on Business, Intellectual Property, and Non-Profit law. Before founding Moore Law, PLLC, I worked extensively with non-profit organizations, ranging from the Brunswick Arts Council to the University of Louisville, advising, drafting, negotiating, and implementing everything from Bylaws and Policies and Procedures manuals to vendor contracts and license agreements. Generally, I work with and advise corporations and small businesses from start-ups to established businesses; however, I do have a working knowledge and understanding of land use law and legal issues affecting local governments and public agencies in North Carolina. I regularly draft tailored contracts for clients and implement a “plain language” approach to all of my drafting. This approach affords most people a complete and true understanding of all terms included in the contracts without an attorney present to translate “legalese” into something resembling the English language. I believe people should be able to understand the documents used to legally bind them.

I moved to Holden Beach in 2016 and intend to remain here for many years to come. My interest in serving my community and preserving its magic for all who are fortunate enough experience it is paramount. I currently serve on the Board of Directors for Brunswick Arts Council as General Counsel and President. Serving as General Counsel since 2017 has provided much insight to the challenges faced by not only Holden Beach, but Brunswick County as a whole. I realize how important and far-reaching the decisions of our local government are and intend to advise towards methodical, straightforward, and ethical management of Town matters. I also have experience serving on Boards of several local non-profit organizations and have a heavy focus on proper board governance and strategic planning.

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1208 OCEAN BLVD WEST, HOLDEN BEACH, NC 28462

[www.moorelaw-llc.com](http://www.moorelaw-llc.com)

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Moore Law, PLLC is a solo firm, but can promise timely responses and service. This firm can dedicate as many hours as the Town of Holden Beach deems necessary to complete Town business. I believe I have proven this during my brief time serving as Interim Town Attorney. At this time, there are no conflicts of interest that would prevent or impede this firm's ability to handle any and all Town business.

In regards to fees, I would seek an hourly fee of \$250.00 for all work performed; including attendance of meetings. This amount has been determined as the going-rate for municipal law in this area. I do bill client phone calls at half rate, which would be \$125 per hour in this case, as I want my clients to feel comfortable reaching out and speaking freely with me. This reduced rate does not apply to pre-scheduled meetings via telephone or telephone calls with persons other than clients. I reside on Holden Beach, and I can attend any in-person meetings without issue. Additionally, I am always available via ZOOM, go-to meeting, or any preferred teleconferencing software.

I truly appreciate your time and consideration of this proposal for Town Attorney and encourage you to reach out with any questions or concerns via telephone or e-mail.

Best Regards,



Sydnee Moore



**RFP: PROVISION OF  
LEGAL SERVICES  
FOR THE TOWN OF HOLDEN BEACH**

**Sumrell Sugg, P.A.**

James "Trey" Ferguson

416 Pollock Street

New Bern, N.C. 28560

(252) 633-3131

[jhferguson@nclawyers.com](mailto:jhferguson@nclawyers.com)

Submitted on March 1, 2024

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March 1, 2024

Ms. Heather Finnell  
Town Clerk  
Town of Holden Beach  
110 Rothschild Street  
Holden Beach, NC 28462  
[heather@hbtownhall.com](mailto:heather@hbtownhall.com)

**VIA EMAIL**

Re: Request for Proposals – Legal Services

Dear Madam Clerk:

On behalf of Sumrell Sugg, P.A. (“Sumrell Sugg” or the “firm”), We are pleased to provide this response to the Town of Holden Beach’s Request for Proposals for Legal Services.

**OUR FIRM – AN OVERVIEW**

Since the firm’s inception in 1949, Sumrell Sugg has a history of delivering exemplary service to our clients. A large part of that service is the recognition that today’s attorneys must not only know the law and interpret it, but they must also have a firm grasp of what lies ahead regarding matters of importance to any client or action. Sumrell Sugg attorneys have a clear understanding of how to accurately address client needs, both present and future, in an ever-changing regulatory and legal environment. For Sumrell Sugg, service also means stewardship of client interests beyond giving day-to-day sound legal advice. The law is often complex and demanding; it requires time, and decisions must be made on behalf of clients in the context of business, economic, financial, governmental, or political circumstances that separately impact, influence, or dictate a particular legal decision. The firm is keenly aware of this and has a strong history of successfully meeting our clients’ needs.

Sumrell Sugg has and continues to provide legal services to local governments and public authorities throughout North Carolina. In addition to representing various municipalities in state and federal matters, Trey Ferguson currently serve as the Town Attorney for the Town of Bayboro and consistently does work for the Town of River Bend as well as Pamlico and Lenoir Counties. Our firm and its attorneys also serve as Town Attorney for the Towns of Trent Woods, River Bend, Bridgeton, Pollocksville, Minnesott Beach, Cove City, Vandemere, Grantsboro, and Dover; and David Baxter, a partner at our firm, serves as the County Attorney for Lenoir, Pamlico, and Jones Counties. Finally, attorneys at Sumrell Sugg serve as general counsel to First Craven Sanitary District and Craven County Tourism and Development Authority as well as outside counsel to CarolinaEast Health System.

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During the firm's lengthy history, we have also represented numerous other local governments in varying capacities such as Morehead City, New Bern, Greenville, Wilmington, Goldsboro, Kinston, Chapel Hill, Rocky Mount, Shallotte, Beaufort, Onslow County, Durham County, New Hanover County, Pitt County, Wayne County, Duplin County, Brunswick County, Johnston County, Robeson County, Johnston Health Services Corporation, and Coastal Regional Solid Waste Management Authority.

### **OUR FIRM – QUALIFICATIONS**

#### **A. Experience in Representing Local Governments**

Sumrell Sugg has a long history of representing towns, cities, and counties throughout North Carolina. We currently serve as general legal counsel to the following local governments:

- Pamlico County
- Jones County
- Lenoir County
- Town of Trent Woods
- Town of River Bend
- Bridgeton
- Pollocksville
- Minnesott Beach
- Cove City
- Grantsboro
- Vandemere
- Dover
- Bayboro

We routinely assist clients in all areas stated in the Scope of Work in your RFP as well as many others. Additional services that we perform include open meeting law issues; ordinance issues, including drafting; human resource issues; planning and development issues; public records law issues; budget and fiscal control issues; nuisance abatement actions; emergency services; administrative hearing matters; land acquisition and sale; and appearing in state and federal courts as well as before various state and federal agencies and commissions on behalf of our clients.

Our attorneys possess an extensive knowledge base and provide education and training to elected officials, governing boards, management, and front-line staff in the form of orientations, continuing education, legal updates, compliance training, ethics training, and policy education, among others. Sumrell Sugg attorneys have also been invited to speak at continuing education conferences including events sponsored by the UNC School of Government, NC Police Executives Association, Eastern Carolina Counsel of Governments, NC League of Municipalities, and the NC Public Risk Management Association.

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We provide the following references representing four (4) of our current local government clients:

References:

1. Delane Jackson  
Town Manager, River Bend, NC  
45 Shoreline Dr.  
River Bend, NC 28562  
[manager@riverbendnc.org](mailto:manager@riverbendnc.org)  
Phone: (252) 638-3870, Ext. 213
2. James V. Bender, Jr.  
Mayor, Town of Pollocksville, NC  
P.O. Box 97  
Pollocksville, NC 28573  
[jaybender@ec.rr.com](mailto:jaybender@ec.rr.com)  
Phone: (252) 224-9831
3. Timothy Buck  
County Manager, Pamlico County, NC  
P.O. Box 776  
Bayboro, NC 28515  
[tim.buck@pamlicocounty.org](mailto:tim.buck@pamlicocounty.org)  
Phone: (252) 745-3133
4. Michael James  
County Manager, Lenoir County, NC  
130 South Queen St.  
[michael.james@lenoircountync.gov](mailto:michael.james@lenoircountync.gov)  
Phone: (252) 559-6450

**B. Organization, Size, Structure, and Areas of Practice**

Sumrell Sugg consists of ten attorneys, six paralegals, and six staff members. Sumrell Sugg's core local government team will be involved with and work on behalf of the Town. This team consists of James "Trey" Ferguson, David Baxter, Aaron Arnette, Ross Hardeman, and Charles "Chip" Payson. Our firm utilizes a team approach to local government issues given their complex and far-reaching implications. With that being said, Trey Ferguson will be the primary attorney assigned as the point of contact for the Town of Holden Beach and Chip Payson will serve as the primary back-up attorney for the Town as well as the back-up attorney for meeting attendance. Our team has many years of experience representing local governments and is prepared to assist the Town in all of the legal areas referenced in the Scope of Work in the RFP.

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In addition to our focus on local government law, our knowledge base extends into many other areas of the law including but not limited to commercial and residential real estate; general civil litigation; corporate transactions, formation, and governance; estate planning and probate; guardianships; administrative law; mediation and arbitration; and creditor representations. Given the broad scope of services that we provide, our attorneys possess a more robust pool of legal knowledge and experience from which our local government clients benefit when issues involving these areas of law intersect with the various issues our governmental clients face.

The attorneys who will be involved in work for the Town are as follows:

- **James H. “Trey” Ferguson III (Associate)** – North Carolina State University (2014); Campbell School of Law (2021); 2.5 years of experience in state and federal litigation and local government practice, including the areas listed in Section One of the RFP. Trey currently represents numerous local government clients in governmental liability cases as well as routine governance matters, including zoning and planning issues, public records laws, and governmental finance issues. Trey also serves on the New Bern Board of Adjustment as a Ward Appointee.
- **Charles “Chip” Payson (Of Counsel)** – Indiana University (1995); Suffolk University Law School (2003); 7 years as in-house City Attorney for Gloucester in which he dealt with all areas listed in Section One of the RFP; experience serving in federal, state, and local government; experience in private practice with a focus in local government and insurance defense work.
- **David Baxter, Jr. (Partner)** – Appalachian State University (2006); North Carolina Central School of Law (2009); 15 years of experience in local government practice, including representing North Carolina towns and counties in all areas listed in Section One of the RFP.
- **Ross Hardeman (Partner)** – University of North Carolina-Chapel Hill (2013); Campbell School of Law (2016); 8 years of experience in local government, litigation, and collections practice including representing North Carolina towns and counties in all areas listed in Section One of the RFP.
- **Aaron Arnette (Partner)** – North Carolina State University (2004); Campbell School of Law (2007); 16 years of experience in local government practice, including representing North Carolina counties in all areas listed in Section One of the RFP.

Attached to this response are resumes for Trey Ferguson and Chip Payson. Partners’ resumes are available upon request.

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### C. Fee Options

#### Flat Fee Billing Arrangement

Several of our institutional clients have engaged us using an annual flat fee arrangement (that is agreed to in advance based upon historical legal service expenditures). This flat fee is billed in twelve equal monthly installments (plus costs, advances, and expenses). We have heard from our local government clients that they prefer this type of fee arrangement because it simplifies the budgetary process (making it easier to set an annual budget and avoid numerous budget adjustments throughout the year that may be required due to significant swings in monthly expenditures based on the need for legal services), and that it also frees senior management and other staff to seek legal guidance in decision making without the need for prior approval or apprehension of the unknown financial consequence associated with legal services provided on a time-expended basis.

By way of example, for Pamlico, Jones, and Lenoir Counties, our firm's flat fee arrangement is \$99,000.00 per year and covers the following:

- Attend Board of Commissioners meetings
- Attend Planning Board meetings
- Attend Board of Equalization and Review meetings, as requested
- Attend DSS Board meetings, as requested
- Attend other county board meetings, as requested
- Provide all general legal services
- Engage in conferences and telephone conversations
- Draft and issue correspondence, as necessary
- Prepare and/or review all contracts, policies, resolutions, ordinances, etc.
- Monitor statutory changes and judicial decisions
- Periodic review and update of ordinances
- Periodic training seminars
- Attend department head and other internal meetings, as requested
- Economic development issues in general

Other matters **not included** under our flat fee arrangement are:

- Litigation, appeals, mediation, arbitration, and similar alternative dispute resolutions
- Financings
- Construction and improvement projects
- Economic development projects (but not general economic development issues)
- Matters before any non-Town Board, department, etc.
- Real estate transactions
- Tax foreclosures
- Substantive or complete ordinance or policy amendments and/or restatements



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- Matters where legal fees are paid by third-parties or otherwise recoverable
- CDBG, CHAF, HMGP and other community assistance projects
- Other matters as may be agreed upon in advance

Matters not included under the flat fee are billed under the Standard Hourly Billing Arrangement stated below. While the flat fee arrangement cited above is simply an example, should the Town of Holden be interested in a flat fee arrangement, we would discuss terms more applicable to the Town's needs.

Conversely, some clients are not interested in pure flat fee arrangements because they would prefer not to commit in advance to paying for a service for which their needs or utilization in the given year may result in paying more than they would have paid under a traditional time-based, hourly rate billing methodology.

#### Standard Hourly Billing Arrangement

Under this structure, all time expended in the provision of legal services is recorded and itemized in one-tenth of an hour increments, and each month the client receives an invoice which is calculated as a function of time expended at the applicable hourly rate. Sumrell Sugg's hourly rate for local government clients is \$275.00 per hour for all attorneys, including partners, of counsel, and associates. In order to create this rate, our firm "blends" or averages the rate of associate attorneys (a lower hourly rate) and partner attorneys (a higher hourly rate). Out-of-pocket costs and expenses will be billed as well, without any mark-up.

We would anticipate the aforementioned hourly billing arrangement (Option B) with the Town of Holden Beach in both scope and price if our firm is selected and the Town wishes to proceed under an hourly billing arrangement. Under this arrangement, our monthly invoices adhere to the requirements listed under Option B of the RFP.

Should we be selected, Sumrell Sugg is prepared to dedicate the requested ten (10) hours per month to the Town and can increase or decrease that amount of time based upon the Town's needs.

#### **D. Conflict of Interest**

We conducted an internal conflict search, and it does not appear that our firm has any conflicts that would impede our representation of the Town.

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**CLOSING**

In closing, we hope that you find this information helpful in your deliberations. At Sumrell Sugg we pride ourselves on excellent legal work in a timely and efficient manner. We would welcome the opportunity to serve as the Town Attorney for the Town of Holden Beach.

Please feel free to contact me at your convenience if you have any questions or need additional information. We look forward to hearing from you soon.

**Sumrell Sugg, P.A.**

*James Ferguson*

James "Trey" Ferguson  
For the firm

*Enclosures*

# James “Trey” Ferguson

919.995.2946 | jhferguson@nclawyers.com

## LEGAL PRACTICE EXPERIENCE

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**BAR ADMISSIONS:** N.C. State Courts; Federal District Courts for the Eastern, Middle, and Western District of N.C.;  
United States Court of Appeals for the Fourth Circuit

### SUMRELL SUGG, P.A.

*Associate Attorney*

New Bern, N.C.

September 2021 – Current

- Litigate civil rights cases in state and federal court, defending municipalities and law enforcement agencies.
- Routinely advise municipalities on legal issues of public administration, employment, and land use.
- Member of the North Carolina Association of Defense Attorneys (NCADA) & Member of NCADA’s Local Government Liability Steering Committee.
- Appointed Town Attorney for the Town of Bayboro.

### U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF N.C.

The Honorable Judge Kenneth Bell’s Chambers, *Judicial Extern*

Charlotte, N.C.

August 2020 – November 2020

- Research and write bench memoranda on Title VII, Constitutional Law, and Federal Rules of Evidence.
- Draft judicial orders on procedural pretrial motions.

### LEGAL AID OF N.C.

*Dr. Martin Luther King Jr. Summer Law Clerk Program*

Raleigh, N.C.

May 2020 – July 2020

- Counsel and represent clients, under the N.C. Law Student Practice Rule, in the areas of Housing (Foreclosure & Eviction Defense), Consumer Bankruptcy, and Benefits (Social Security Disability & Unemployment).

### N.C. COURT OF APPEALS

The Honorable Judge Lucy Inman’s Chambers, *Judicial Intern*

Raleigh, N.C.

August 2019 – November 2019

- Research and write bench memoranda on issues in public employment, criminal, evidence, and municipal law.
- Draft judicial opinions on real property, state criminal procedure, and family law.

### N.C. GENERAL ASSEMBLY

Bill Drafting Division, *Summer Law Clerk*

Raleigh, N.C.

May 2019 – August 2019

- Research, draft, and edit bills and statements for elected members and staff attorneys.
- Track, record, and report changes to the special provisions of the state budget.

## OTHER EMPLOYMENT EXPERIENCE & COMMUNITY INVOLVEMENT

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### CITY OF NEW BERN

*Board of Adjustment Ward 1 Appointee*

October 2022 – Present

### CRAVEN COMMUNITY FOUNDATION

*Board Member*

October 2022 – Present

### STATE EMPLOYEES CREDIT UNION

*Branch Advisory Board Member, Former District Loan Review Committee Member*

September 2017 – Present

### LEESVILLE ROAD HIGH SCHOOL, Wake County Public School System

*Math Teacher, Student Council Advisor*

August 2014 – June 2018

### PROFESSIONAL EDUCATORS OF NORTH CAROLINA

*Executive Board Member, Annual Conference Committee Chairman*

2013 - 2017

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## EDUCATION

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### CAMPBELL UNIVERSITY SCHOOL OF LAW

Raleigh, N.C.

Juris Doctorate, *Magna Cum Laude*

May 2021

GPA: 93.6/100 Class Rank: 5/165 (Top 3%)

Honors: Janette Soles Nelson Public Service Scholar (Full Tuition, Merit Scholarship); Wake County Bar Association Scholarship (2019); Chief Justice I. Beverly Lake Jr. Constitutional Law Award (2021); ALI CLE Scholarship & Leadership Award (2021).

Activities: Law Review Editor-in-Chief (2020-21) & Member (2019-20), Legal Research & Writing Teaching Scholar, Old Kivett Moot Court Competition, Research Assistant for Former Justice W.P. Whichard

### NORTH CAROLINA STATE UNIVERSITY

Raleigh, N.C.

Bachelor of Science in Secondary Mathematics Education, Minor in History

May 2014

Licensure Areas: Middle Grades Math, High School Math, High School Social Studies (Expired)

Honors: N.C. Teaching Fellow, College of Education Spirit Award, Teaching Math Excellence Award

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## PUBLICATIONS

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- *Color-Coded Curricula: How North Carolina's Tracking Regime Creates Micro-Segregation and Violates the State's Constitution*, 44 N.C. CENTRAL L. REV. 29 (2022).
- *Protecting Personal Data: A Survey of Consumer Protections Throughout North Carolina's Identity Theft Protection Act*, 42 CAMPBELL L. REV. 191 (2020).
- *After-Acquired Evidence Could Limit State Employees' Relief in Contested Cases*, NCBARBLOG.COM (Apr. 6, 2020), <https://ncbarblog.com/after-acquired-evidence-could-limit-state-employees-relief-in-contested-cases/>.

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## PRESENTATIONS

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- *Employment Law: Legal Liabilities for Law Enforcement*, North Carolina Police Executives Association's Annual Conference, July 2023.
- *Fruits of their Own Labor: How the Courts are Stomping Local Governments' Grapes*, North Carolina Public Risk Managers Association's Annual Conference, September 2023.
- *Tully & Mole': The Erosion of Public Sector At-Will Employment*, North Carolina Association of Defense Attorneys' Government Attorneys "Shop-Talk", January 2024.

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## PUBLISHED OPINIONS

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- *Town of La Grange v. Cnty. of Lenoir*, No. COA-23-495, \_\_ N.C. App. \_\_ (2024).

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# CHARLES “CHIP” PAYSON

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SUMRELL SUGG, P.A.

416 POLLOCK STREET, NEW BERN, NC 28563

(252) 633-3131 | cpayson@nclawyers.com

A seasoned legal professional, Attorney Payson has decades of unique and substantive experience serving at high levels in the private sector and in municipal, state, and federal governments. Attorney Payson possesses a strong track record in providing thoughtful legal representation and strategic advice to CEOs, elected leaders, appointed officials, non-profits, and governing boards on a myriad of issues.

## EXPERIENCE

SUMRELL SUGG, P.A., New Bern, NC 2023-present  
Of Counsel

- Practice includes advising clients on local government matters, civil litigation, employment law, real estate law, and account collections.

PIERCE, DAVIS AND PERRITANO, LLP, Boston, MA 2022-2023  
Of Counsel

- Practice included representing municipalities on issues including, without limitation, civil rights (42 USC § 1983), age discrimination, excessive force, land use, wrongful death, abuse of process, defamation, negligence, and takings.

LEGAL DEPARTMENT, CITY OF GLOUCESTER, Gloucester, MA 2015-2022  
General Counsel

- Served as the lead attorney representing the Mayor, the City Council, and all city departments.
- Drafted legal documents, policies, procedures, and ordinances.
- Provided legal interpretation of ordinances and legal advice on a myriad of issues facing City government.
- Served as the lead City attorney during a federal and state investigation of the Gloucester Police Department.

THE LIBERTY SQUARE GROUP, Boston, MA 2013-2015  
Senior Vice President

- Maintained a growing and robust practice in the areas of government affairs, communications, economic development, community affairs and grassroots mobilization.
- Drafted legislation and conducted statutory and regulatory review for clients.

CANDIDATE FOR U.S. CONGRESS (MA), Salem, MA 2013-2014  
Senior Advisor and Political Director

- Provided counsel to the candidate on political matters in the 6<sup>th</sup> District, the Commonwealth and nationally.
- Reviewed contracts and provided legal advice to the candidate and his campaign committee.

OFFICE OF U.S. CONGRESSMAN (MA), Peabody, MA 2011-2012  
District Director

- Led the Congressman's efforts in the district on several high-profile projects such as congressional re-districting and the preservation of the Bedford VA Hospital.
- Served as the Congressman's principal liaison with the rest of the congressional delegation as well as the state and local elected officials.

NORTHEAST HEALTH SYSTEM, Beverly, MA 2007-2010  
Vice President, External Affairs

- Guided the board of directors, several CEOs, and senior management through public relations and media crises such as the Gloucester High School contraception issue, the possible closing of the North Shore Birth Center, a CEO's ouster, and a new CEO's takeover of the organization.
  - Assisted in-house legal counsel with the drafting and review of various legal documents including, without limitation, contracts, memoranda, opinions, letters etc.
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OFFICE OF MA STATE SENATOR, Boston, MA 2004-2007  
Chief of Staff

- Managed staff and directed daily office operations, including policy creation, media strategy, legislation development, and constituency casework.
- Drafted legislation and provided statutory and regulatory as well as legal advice to the Senator.

EXECUTIVE OFFICE OF THE PRESIDENT, THE WHITE HOUSE, Washington, DC 1997-2000

Associate Director of the Office of Public Liaison 06/99-07/00

Assistant Director of Presidential Scheduling 1/99-6/99

Special Assistant to the Director of Presidential Scheduling 3/98-1/99

Director of Presidential Scheduling Correspondence 8/97- 3/98

- Served as a primary point of contact for the agriculture, law enforcement, and sports communities and managed outreach efforts to those constituencies.
- Briefed the President, Vice President, senior staff, and Cabinet members prior to their participation in events or meetings.
- Served as the key coordinator of the social and personal schedules of the President.

OFFICE OF U.S. SENATOR (IA), Washington, DC 1995-1997

Served as Staff Assistant; Office Manager; Legislative Correspondent; and Assistant to the Chief of Staff

OFFICE OF U.S. CONGRESSMAN (RI), Washington, DC 1995

Staff Assistant; Legislative Correspondent

OFFICE OF U.S. CONGRESSMAN (IN), Washington, DC 1994

Staff Assistant

#### BAR ADMISSIONS

North Carolina (comity application submitted, approval in process) 2023  
U.S. District Court, District of Massachusetts 2015  
Massachusetts 2004

#### EDUCATION

Suffolk University Law School, Boston, MA 2003  
• Juris Doctor

Indiana University, Bloomington, IN 1995  
• Bachelor of Arts, History

#### OTHER

Habitat for Humanity of Craven County, New Bern, NC 2023 – present  
Board Member

- Serves as Chair of the Governance Committee.
- Serves on the Homeownership Policies and Procedures Committee, and the Sustainability Committee.



|                       |                            |
|-----------------------|----------------------------|
| G. Nicholas Herman    | herman@broughlawfirm.com   |
| Robert E. Hornik, Jr. | hornik@broughlawfirm.com   |
| T.C. Morphis, Jr.     | morphis@broughlawfirm.com  |
| Albert M. Benshoff    | benshoff@broughlawfirm.com |
| S. Ellis Hankins      | hankins@broughlawfirm.com  |
| Kevin R. Hornik       | khornik@broughlawfirm.com  |
| Brady N. Herman       | bherman@broughlawfirm.com  |
| Lydia E. Lavelle      | lavelle@broughlawfirm.com  |

March 20, 2024

**Via First Class Mail and Email to [heather@hbtownhall.com](mailto:heather@hbtownhall.com)**

Ms. Heather Finnell, Town Clerk  
Town of Holden Beach  
110 Rothschild Street  
Holden Beach, NC 28462

Re: Holden Beach Town Attorney Proposal

Dear Ms. Finnell,

The Brough Law Firm, PLLC is pleased to submit this Proposal to serve as the Holden Beach Town Attorneys. As you may recall, we also submitted Proposals in 2019 and 2020. Since that time, our firm has expanded its practice to include serving as the City Attorneys for Southport, NC and the Town Attorneys for Boiling Spring Lakes. We may be located further from Holden Beach Town Hall than other attorneys, but we have found that telephone, email, and video conferencing allow us to work effectively with local government clients throughout the state. Also, in 2023, we hired Ms. Lydia Lavelle as a Senior Attorney with our firm, and she maintains a home in nearby Sunset Beach. We believe these changes mean we could also work effectively for the Town of Holden Beach.

Distance from Holden Beach aside, you may still ask why you should select The Brough Law Firm over others? The short answer is our experience, competitive rates, and our team approach. Since it was founded in 1988, our firm has focused almost exclusively on local government and land use law, and every attorney in our firm focuses on these practice areas, which means there will always be an attorney available to answer questions and to attend meetings. The Mayor, Board of Commissioners, and staff will have the opportunity to work with our attorneys who not only have broad and deep experience with local government law but who also understand the practical and political realities of governance. We value public service, and we believe our job is to help our municipal clients anticipate legal issues and to avoid or resolve them.

Our firm practices throughout North Carolina and includes seven lawyers located in offices in Chapel Hill and Concord. Each attorney in our firm focuses on local government and land use law, and we serve as general counsel for Person County and twenty-three North Carolina municipalities, including Aberdeen, Boiling Spring Lakes, Carrboro, Carthage, Clemmons, Creedmoor, Foxfire Village, Gibson, Godwin, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Robbins, Roxboro, Sedalia, Southport, Stanfield, Stem, Vass, and Whispering Pines.

We have extensive experience, individually and collectively, in all aspects of municipal law, including zoning and land use law, board governance, ordinance drafting, contracts, public finance, employment law, and litigation in state and federal trial and appellate courts. The only local government matters we do not handle are specialized bond counsel work and real property transactions. We typically ask local real estate attorneys to conduct title searches and closings because they can do so on a more cost-effective basis.

Our firm also provides special litigation counsel services for Cabarrus County, Currituck County, Robeson County, and Rockingham County, as well as for the Town of Cary and the Cities of Concord and Jacksonville, NC. Members of our firm have argued numerous cases in the N.C. Court of Appeals and N.C. Supreme Court on behalf of local governments. In addition to litigation, we frequently assist other cities and counties throughout the state in matters ranging from ordinance drafting to serving as outside counsel for board of adjustment cases.

We typically designate two attorneys to serve each municipality we represent. One acts as the primary counsel and principal contact, and the other serves as backup and as another point of contact. Additionally, all seven of our attorneys work together as a team to meet the needs of our clients. This arrangement ensures that each of our municipal clients has full access to our services not only during normal business hours but also during evenings and weekends. For Holden Beach, we propose having Ms. Lydia Lavelle as primary counsel and Mr. Brady Herman as additional counsel. As required by the Request for Proposals, Ms. Lavelle could dedicate a minimum of ten hours per month to work for Holden Beach and be available five hours per week for business devoted solely to the Town of Holden Beach if necessary.

Ms. Lavelle has been with our firm since last July and currently represents the Town of Godwin. She is well-versed in the field of local government law, is a former Mayor, and currently works part-time as a Professor at the NC Central University School of Law. Additional information about Ms. Lavelle and Mr. Herman can be found in the enclosed firm prospectus.

Our fee proposal is straightforward and, we believe, cost effective. We charge an hourly rate for all work performed, except for attending Board of Commissioners meetings. Our hourly rate is \$225.00 per hour for Senior Attorneys and \$205.00 per hour for Associates. Note, we are proposing a staggered fee schedule that includes rate increases each July 1<sup>st</sup>. We would charge a flat fee of \$900.00 per meeting to attend regular Board of Commissioners meetings in person, which would include our travel time to and from meetings. Alternatively, we could attend regular Commissioners meetings remotely using Zoom or a similar service for \$450.00 per meeting.

We have attached the following materials:

- A list of professional references;
- Our Compensation for Services schedule;
- Our public sector client list; and
- A prospectus which provides detailed information about each attorney in the firm.

As the Request for Proposals requires, our firm maintains malpractice insurance for every attorney in the firm. We will provide a copy of that policy upon request. Additional information about our




law firm can be found on our website at <https://broughlawfirm.com>.

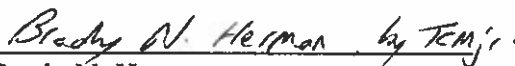
We would be pleased to attend a Board of Commissioners meeting to further discuss our firm's possible representation of the Town. Please let us know if additional information would be helpful.


Thank you for your consideration.

Sincerely,

THE BROUGH LAW FIRM, PLLC

  
Lydia E. Lavelle

  
Brady N. Herman

  
T.C. Morphis, Jr., Managing Partner

LEL/BNH:las  
Enclosures

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## **The Brough Law Firm, PLLC – Partial Reference List**

You should feel free to contact any of the local governments we represent. Below are specific references from five of our clients:

### **Pender County**

David Andrews, County Manager  
(former Carrboro Town Manager and Boiling Springs Lake Town Manager)  
(91) 612-6872  
[dandrews@pendercountync.gov](mailto:dandrews@pendercountync.gov)

### **Town of Hillsborough**

Eric Peterson, Town Manager  
(919) 296-9421  
[Eric.peterson@hillsboroughnc.org](mailto:Eric.peterson@hillsboroughnc.org)

### **Person County**

Katherine Cathey, County Manager  
(336) 597-1720  
[kcathey@personcountync.gov](mailto:kcathey@personcountync.gov)

### **City of Hamlet**

Matt Christian, City Manager  
(910) 582-2651  
[mchristian@hamletnc.us](mailto:mchristian@hamletnc.us)



### COMPENSATION FOR SERVICES

Statements for services rendered by The Brough Law Firm, PLLC will be prepared at the end of each calendar month for the work performed during the previous month. Your monthly statement will consist of two parts: an itemized breakdown of professional services and a list of expenses and costs advanced. The professional services portion of your statement will be based upon the following hourly rates for the attorneys and other staff who work on your case:

| Attorney        | Current Rate | Effective 07/01/2024 | Effective 07/01/2025 | Effective 07/01/2026 |
|-----------------|--------------|----------------------|----------------------|----------------------|
| Senior Attorney | \$225.00     | \$235.00             | \$250.00             | \$255.00             |
| Associate       | \$205.00     | \$210.00             | \$220.00             | \$225.00             |
| Legal Assistant | \$120.00     | \$125.00             | \$145.00             | \$145.00             |

Your statement will indicate the services performed and the date, the attorney performing the services, the hourly rate, and the total. It will also include an itemized list of additional expenses and costs advanced. These include:

- Photocopy charges for non-routine copying done for the client outside the office.
- Private express mail carriers such as Federal Express.
- Mileage and travel expenses outside Cabarrus, Chatham, Davie, Durham, Granville, Guilford, Lee, Moore, Orange, Union and Wake counties.
- Filing, service of process, and other fees associated with litigation.
- Fees for recording deeds and other instruments.

Statements will be mailed by the 10<sup>th</sup> of each month and are overdue if payment is not received by the end of that month. Interest at the rate of 1 ½% per month shall accumulate on balances not paid within thirty days after the date such balances become overdue. Any retainer received from you will be deposited in our trust account and used to pay your monthly statements. To the extent our statements exceed the retainer amount, payment will be expected as indicated above. If payment in full is not received by the 15<sup>th</sup> of the month following the month in which a statement is issued, no additional services will be performed in your behalf and thereafter services will be performed only if and to the extent that additional funds are deposited in our trust account to ensure payment of our statements as they become due.

Payments can be made by check, credit card, or "e-check." We will add a processing fee of 1.95% for Visa, Mastercard, and Discover payments and a processing fee of 2.95% for other cards, including American Express. E-check payments are limited to \$5,000 per payment.

## The Brough Law Firm Public Entity Client List

The following is a complete listing of public entities our firm has represented. Entities highlighted in yellow are current clients:

| Entity                                 | Position Held  | Years of Service               |
|--|--|--------------------------------|
| Town of Aberdeen, NC                   | Town Attorneys   | Approx. 2000 – present         |
| City of Asheboro, NC                   | Outside Litigation Counsel   | Approx. 1991 – 1992            |
| Town of Ayden, NC                      | Outside Litigation Counsel   | Approx. 1999                   |
| Town of Bath, NC                       | Outside Litigation Counsel to the Board of Adjustment  | Approx. 2009                   |
| Town of Boiling Spring Lakes, NC       | Town Attorney  | 2022 – present                 |
| Town of Boone, NC                      | Outside Litigation Counsel   | Approx. 1991 - 1992            |
| City of Burlington, NC                 | Outside Litigation Counsel   | Approx. 1993 – 1994            |
| Cabarrus County, NC                    | Outside Litigation Counsel   | 2011 – 2012                    |
| Town of Cameron, NC                    | Town Attorneys and Litigation Counsel  | Approx. 1998 – 2021            |
| Town of Canton, NC                     | Town Attorneys   | 2012 – 2014                    |
| Town of Cape Carteret, NC              | Outside Litigation Counsel   | Approx. 1999                   |
| Town of Carolina Beach                 | Outside Counsel regarding a personnel matter   | 2015                           |
| Town of Carrboro, NC                   | Town Attorneys   | Approx. 1980 – present         |
| Town of Carthage, NC                   | Town Attorneys   | 2014 – present                 |
| Town of Cary, NC                       | Outside Litigation Counsel   | Approx. 2000 – present         |
| Town of Chapel Hill                    | Counsel to the Historic District Commission  | Approx. 2021 – present         |
| Chatham County, NC                     | Outside Litigation Counsel   | 2000                           |
| Chatham County, NC Board of Adjustment | Board Attorney   | 2016 - present                 |
| Town of Clemmons                       | Town Attorneys   | 2022 – present                 |
| City of Concord, NC                    | Outside Litigation Counsel and Counsel to the Board of Adjustment<br>Mr. Benschhoff served as in house City Attorney | 2004 – present<br>2003 to 2014 |
| Currituck County, NC                   | Outside Litigation Counsel   | Approx. 2012; 2014 – present   |
| Town of Duck                           | Outside Counsel for a zoning matter  | 2015                           |
| Town of Elizabethton, NC               | Outside Litigation Counsel   | 2004 – 2005                    |
| Foxfire Village, NC                    | Village Attorneys  | 2010 – present                 |
| Gaston County, NC                      | Outside Litigation Counsel   | Approx. 1992 – 1993            |
| Town of Green Level, NC                | Town Attorneys   | Approx. 2007 – 2010            |
| Town of Gibson, NC                     | Town Attorneys   | 2021 – present                 |
| City of Hamlet, NC                     | City Attorneys   | 2014 – present                 |

|   |   |                        |
|---|---|------------------------|
| Henderson County, NC                                      | Outside Litigation Counsel  | Approx. 1988 – 1989    |
| City of Hickory, NC                                       | Economic development issue;<br>board training                                 | 2014; 2015             |
| Town of Hillsborough, NC                                  | Town Attorneys and Litigation<br>Counsel                                      | Approx. 1988 – present |
| Town of Hoffman, NC                                       | Town Attorneys  | 2014 – present         |
| Town of Holly Springs                                     | Prepared development<br>ordinance amendments                                  | 1995-1996              |
| Town of Hope Mills, NC                                    | Town Attorneys and Litigation<br>Counsel                                      | 2012 – 2016            |
| City of Jacksonville, NC                                  | Outside Litigation Counsel  | 2015 – present         |
| City of Kannapolis, NC                                    | Outside Litigation Counsel  | 2014 – present         |
| Town of Kill Devil Hills, NC                              | Outside Litigation Counsel  | Approx. 1996 – 1997    |
| Town of Landis, NC  | Outside counsel for an<br>annexation matter                                   | Approx. 2005           |
| Lumberton Visitors Bureau; Lumberton<br>Airport Authority | Attorney  | Approx. 1999-2003      |
| City of Lumberton   | City Attorney   | 1997 to 2003           |
| Town of Maiden, NC  | Outside Counsel for code<br>rewrite   | 2009 – 2011            |
| Village of Marvin, NC                                     | Outside Litigation Counsel  | 2018 – 2019            |
| Town of Mocksville  | Town Attorney   | 2017 – present         |
| City of Monroe  | Board of Adjustment Attorney  | 2020 – present         |
| Town of Nags Head, NC                                     | Outside Litigation Counsel  | Approx. 1997 – 1998    |
| City of New Bern, NC                                      | Outside Litigation Counsel  | Approx. 2007 – 2008    |
| Town of Oakboro, NC                                       | Town Attorneys  | 2015 – present         |
| Person County   | County Attorneys  | 2021 – present         |
| Person County Tourism Dev. Authority                      | Genery Counsel  | 2024 – present         |
| Town of Pinebluff, NC                                     | Town Attorneys and Litigation<br>Counsel                                      | Approx. 2000 – present |
| Town of Princeville, NC                                   | Town Attorneys  | 2018 – 2019            |
| Robeson County, NC  | Outside Litigation Counsel  | 2018 - present         |
| Town of Robbins, NC                                       | Town Attorneys  | 2014 – present         |
| Rockingham County, NC                                     | Outside Litigation Counsel  | 2013 – 2015            |
| Rockingham County Schools                                 | General Counsel   | 2019 – 2023            |
| City of Roxboro, NC                                       | City Attorneys and Litigation<br>Counsel                                      | Approx. 1998 – present |
| Town of Rutherfordton, NC                                 | Outside Counsel for code<br>rewrite and Outside Litigation<br>Counsel         | Approx. 1999; 2002     |
| City of Sanford, NC                                       | Attorney to the Board of<br>Adjustment and Historic<br>Properties Commission. | 2015 – present         |
| City of Salisbury, NC                                     | Outside Litigation Counsel  | 2005 – 2007            |
| Town of Sedalia, NC                                       | Outside Counsel   | 2015 – present         |
| City of Shelby, NC  | Outside Litigation Counsel  | Approx. 2001 – 2002    |

|                             |  |                        |
|-----------------------------|--|------------------------|
| Siler City, NC              | City Attorneys                             | Approx. 1996 – 2014    |
| Town of Summerfield, NC     | Town Attorneys                             | 2019 – 2024            |
| Town of Stem, NC            | Town Attorneys                             | 2012 – present         |
| Town of Tarboro, NC         | Town Attorneys and Litigation Counsel      | Approx. 1992 – 2013    |
| Town of Taylortown, NC      | Town Attorneys                             | Approx. 2000 – 2014    |
| City of Trinity, NC         | City Attorneys                             | 2015 – 2017            |
| City of Troy, NC            | Outside Litigation Counsels                | 2014 – 2015            |
| Town of Unionville, NC      | Outside Litigation Counsel                 | 2006 – 2009            |
| Town of Vass, NC            | Town Attorneys                             | 2014 – present         |
| Village of Whispering Pines | Village Attorneys and Litigation Counsel   | Approx. 2002 – present |
| City of Wilmington, NC      | Outside Litigation Counsel                 | 1997; 2010             |
| Warren County, NC           | Outside Litigation Counsel                 | Approx. 1993 – 1994    |
| Town of Waxhaw, NC          | Outside Counsel for code rewrite           | 2015 – approx. 2022    |
| Town of Whitsett            | Town Attorneys                             | 2024 – present         |
| City of Wilson, NC          | Outside Litigation Counsel                 | 2011 – 2013            |
| Town of Yadkinville, NC     | Outside Counsel to the Board of Adjustment | 2014 – 2015            |



CHAPEL HILL • CONCORD • RALEIGH

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CONCORD (980) 622-6440  
RALEIGH (919) 349-8988

[broughlawfirm.com](http://broughlawfirm.com)

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[hornik@broughlawfirm.com](mailto:hornik@broughlawfirm.com)

T.C. Morphis, Jr.  
[morphis@broughlawfirm.com](mailto:morphis@broughlawfirm.com)

Albert (Al) M. Benshoff  
[benshoff@broughlawfirm.com](mailto:benshoff@broughlawfirm.com)


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[hankins@broughlawfirm.com](mailto:hankins@broughlawfirm.com)

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Lori Stuart  
Office Administrator  
[office@broughlawfirm.com](mailto:office@broughlawfirm.com)



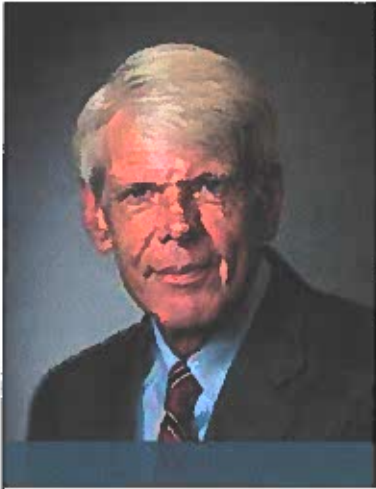
Michael B. Brough founded the Brough Law Firm (now The Brough Law Firm, PLLC) in 1988 in Chapel Hill, North Carolina. Today, the firm has eight attorneys, including G. Nicholas (Nick) N. Herman, Robert E. (Bob) Hornik, Jr., and T.C. Morphis, Jr., Albert M. Benshoff, S. Ellis Hankins, Kevin R. Hornik, Brady N. Herman, and Lydia E. Lavelle. With offices in Chapel Hill, Concord, and Raleigh, the firm has a statewide practice primarily devoted to local government and land use work.

The firm regularly assists developers in obtaining zoning and other land use entitlements, and we also represent individuals, citizen groups, businesses, and other corporations in a broad range of capacities relating to planning, zoning and land-use related matters. We regularly assist clients with rezonings, variances, special and conditional use permits, annexations, condemnations, vested rights, subdivision development, historic district designations, and regulations under the N.C. Coastal Area Management Act, as well as other State and federal land use and environmental laws.

The firm also has a robust local government law practice. We serve as general counsel to Person County and to twenty-four North Carolina municipalities, including Aberdeen, Boiling Spring Lakes, Carrboro, Carthage, Clemmons, Creedmoor, Foxfire Village, Gibson, Godwin, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Robbins, Roxboro, Sedalia, Southport, Stanfield, Stem, Summerfield, Vass, and Whispering Pines. The firm also provides special litigation services for the Town of Cary, City of Concord, Currituck County, Rockingham County, Cabarrus County, Robeson County, and Brunswick County. We regularly assist numerous other cities and counties throughout the State in matters ranging from ordinance drafting to litigation, and we regularly handle matters as outside counsel that are considered too delicate for an in-house attorney to handle alone.

The members of the firm have extensive expertise in litigation and appellate matters, and they have argued over 135 cases in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit. In addition, members of the firm have taught on the adjunct faculties at the University of North Carolina School of Law, North Carolina Central University School of Law, Duke University School of Law, Campbell University School of Law, North Carolina State University, Elon University, National Institute for Trial Advocacy, and at the School of Government in Chapel Hill. Collectively, the members of the firm have published 13 books and monographs, and over 100 articles (including Continuing Legal Education papers) on various areas of law in which the firm practices.





## G. NICHOLAS (NICK) HERMAN

Nick Herman received his Bachelor of Arts degree from the University of North Carolina at Chapel Hill as a Morehead-Cain Scholar and his law degree from Duke University School of Law. He has extensive litigation experience in state and federal court in a wide variety of areas of law, including municipal and county defense, zoning issues, constitutional law, civil rights, eminent domain, and employment law. He has also argued over 40 cases

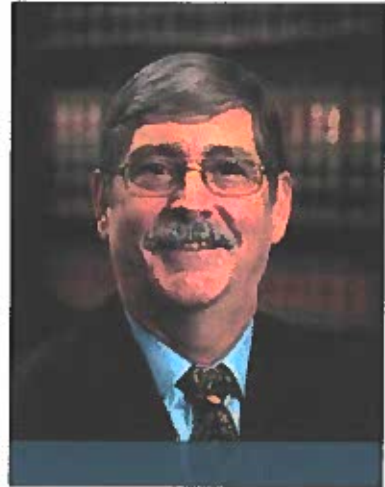
in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit.

Mr. Herman is also an Adjunct Professor at Campbell Law School and North Carolina Central University School of Law, and he has taught on the adjunct faculties at Duke Law School, UNC-CH Law School, and Elon University. He teaches courses in trial practice, the law of evidence, legal counseling and negotiating, arbitration, appellate advocacy, civil procedure, alternative dispute resolution, and pretrial litigation, among other courses. He has also taught on the faculty of the National Institute of Trial Advocacy in trial practice, negotiation and mediation, and deposition-taking skills. He is the author of: *North Carolina Civil Trial Practice* (Juris Publishing, Inc., 2nd ed. 2021); *Advocacy in Negotiation and Mediation* (Carolina Academic Press 2021); *Navigating the First Year of Law School* (Carolina Academic Press 2016); *Practical Evidence: The Law, Foundations, and Trial Techniques* (West Group, 2nd ed. 1999); *Plea Bargaining* (Juris Publishing, 5th ed. Inc. 2020); *Legal Counseling, Negotiating & Mediating: A Practical Approach* (Carolina Academic Press, 2nd ed. 2009); and *Client Interviewing, Counseling, and Decision-Making: A Practical Approach* (Carolina Academic Press, 2nd ed. 2021). He has also written over 60 articles on various subjects of law, litigation, and appeals.

Mr. Herman has been a lecturer at numerous Continuing Legal Education programs on topics such as land-use regulation powers, civil litigation and trial advocacy, eminent domain, the law of damages, witness preparation, disability law, and ethical considerations in civil litigation and appellate practice. He now serves as general counsel to the Town of Carrboro and the City of Roxboro. He has served as special litigation counsel for Cabarrus County, Rockingham County, Brunswick County, Chatham County, Currituck County, Robeson County, the City of Concord, the City of Wilmington, the Town of Unionville, and the Town of Garner. His practice is otherwise primarily devoted to general representation and complex litigation and appeals involving areas such as county and municipal law, zoning issues, land use regulation, condemnation cases, nuisance abatement, constitutional law, employment law, and business litigation.

## ROBERT E. (BOB) HORNIK, JR.

Bob Hornik received his Bachelor of Arts degree, with honors, in Political Science from LeMoyne College in Syracuse, New York, and his law degree from The Washington & Lee University School of Law in Lexington, Virginia. Before becoming a principal in the Brough Law Firm, he engaged in the private practice of law in Syracuse, New York, representing local governments and real estate developers.



Mr. Hornik's practice emphasizes municipal law, zoning and land use law, litigation, and ordinance drafting. He serves as general counsel to the Towns of Hillsborough, Hoffman, Stem, and Summerfield, the City of Boiling Spring Lakes, and Foxfire Village. In addition, Mr. Hornik supports others in the firm in their capacities as counsel for the Firm's other municipal clients. He has represented and advised municipalities in New York and North Carolina on issues including local finance, employment, annexation, zoning, planning and environmental law, and private developers in administrative and judicial proceedings at the State and Federal levels.

Mr. Hornik has extensive litigation experience in municipal, land use, and annexation matters in trial and appellate courts, including the North Carolina Supreme Court and the United States Supreme Court. He has also counseled clients in various commercial real estate transactions, including site acquisition, leasing and financing of multi-million-dollar commercial, retail and office ventures, and large scale residential subdivisions. Mr. Hornik's practice has included representation of several regional and national wireless telecommunication providers in the site acquisition and permitting processes for wireless telecommunications facilities, including State and Federal court actions brought under the Telecommunications Act.

Mr. Hornik is admitted to practice not only in North Carolina and New York, but also in the federal courts in the Northern and Western Districts of New York, in the Eastern, Middle and Western Districts of North Carolina, in the United States Circuit Court for the Fourth Circuit, and in the United States Supreme Court. He is a member of the North Carolina, New York and American Bar Associations. Mr. Hornik is active in the North Carolina Bar Association's Zoning, Planning, and Land Use Section, having served as a member of the Section's first Section Council. He served two terms as Chairman of the Section's Continuing Legal Education Committee, and has presented continuing legal education programs for municipal attorneys and newly admitted attorneys on numerous occasions.



## T.C. MORPHIS, JR.

T.C. Morphis grew up in Hickory, North Carolina. He received a Bachelor of Arts in Philosophy and History from UNC-Chapel Hill and his Law Degree and a Master's Degree in City and Regional Planning from UNC-Chapel Hill.

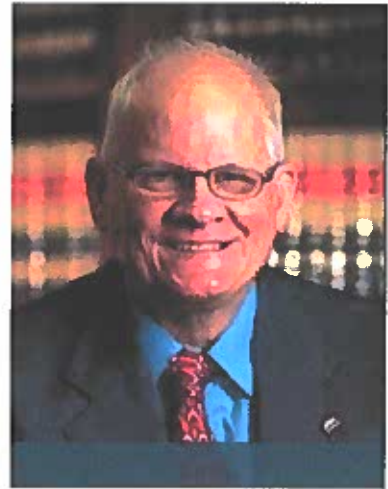
Mr. Morphis' primary practice areas include municipal, zoning, land use, employment, code enforcement, environmental, and coastal area management law. He provides general legal counsel for the City of Hamlet; the Towns of Aberdeen and Robbins; and the Village of Whispering Pines. He also serves as outside counsel to the Chatham County Board of Adjustment, and regularly represents citizen groups and other private clients in land-use litigation throughout North Carolina. Mr. Morphis has experience at all stages of litigation, from quasi-judicial hearings before local boards to trial court work and appellate advocacy before the North Carolina Court of Appeals and North Carolina Supreme Court. Mr. Morphis also regularly advises local government clients on code enforcement and board governance issues.

Early in his career, Mr. Morphis served as a clerk with the Charlotte City Attorney's Office and as an extern for the Honorable Judge Linda McGee of the North Carolina Court of Appeals. Mr. Morphis' Masters-Degree Project compared land trusts and resource conservation efforts in North Carolina with forest conservation in India, and he was a recipient of a U.S. Department of Education Foreign Language Area Studies scholarship for the study of Hindi and Urdu. Mr. Morphis also received, at UNC-CH Law School, the Gressman-Pollitt Award for Oral Advocacy, the Best Overall award in the UNC Environmental Negotiation Competition, and recognition as a finalist in the Merhige National Environmental Negotiation Competition.

Mr. Morphis is admitted to practice in the State courts in North Carolina and in the United States District Court, Middle District of North Carolina. He currently serves on the Board of the North Carolina Association of Municipal Attorneys and has previously served as the Chair of the North Carolina Bar Association's Zoning, Planning and Land Use Section Council and as the Co-Editor of the North Carolina Bar Association's Land Use Law Quarterly. He also previously served on the Triangle Land Conservancy's Land Protection Committee and as the Chairman of the Advisory Committee to the City of Durham's Community and Family Life Center at Lyon Park.

## ALBERT M. BENSHOFF

Al Benshoff graduated from the University of Michigan with a Bachelor of Science in Natural Resources. He briefly worked as a contractor for the U.S. Department of the Interior, Bureau of Outdoor Recreation (now the National Park Service) before working in environmental compliance for National Steel Corp. He later received a Master's Degree in Regional Planning from the University of Michigan.



For many years, he worked as a planner, first for the Beaufort County, S.C. Planning Commission, and then for the City of Cary, N.C. where he oversaw the adoption of the first Unified Development Ordinance, the construction of the first five miles of greenway, and several comprehensive plans. While working in Cary, he attended the evening law program at N.C. Central University School of Law, in Durham, NC.

After receiving his law degree, Mr. Benshoff became the City Attorney for Lumberton, N.C. and then served as the City Attorney for Concord, N.C. Some of his accomplishments in Concord include litigating a major zoning challenge to the new Cabarrus County jail, re-writing the Concord Development Ordinance, obtaining and defending Inter-Basin Transfer Permits from the Yadkin and Catawba Rivers to Concord and Kannapolis, assisting with the redevelopment of "Brownfield" sites, and organizing community development and the construction of the joint Albemarle-Concord- Kannapolis water pipeline.

Mr. Benshoff provides general legal counsel to the Village of Clemmons and the Towns of Gibson, Mocksville, Oakboro, Sedalia, and Stanfield. He has worked with other local government clients, including the Towns of Aberdeen, Carthage, Carrboro, Creedmoor, Selma, Holly Springs, Pinebluff, Robbins, the Lumberton Convention and Visitors Bureau, the Cities of Kannapolis and Roxboro, and the Village of Pinehurst. He practices in the areas of real estate development, code enforcement, contracts, economic development, annexation, land use and zoning, eminent domain, housing authorities, personnel, and community development, including U.S. Housing and Urban Development programs.

Mr. Benshoff is licensed in the North Carolina state courts and U.S. District Courts of the Eastern, Middle and Western Districts of North Carolina, as well as the U.S. Fourth Circuit Court of Appeals. He is an active member of the North Carolina Bar Association, where he has served on the Section Councils of both the Government & Public Sector Section and the Zoning, Planning and Land Use Law Section. Mr. Benshoff recently received the Grainger Barrett Award for Excellence from the Government & Public Sector Section. Also, from 2017 to 2019 Mr. Benshoff served on the Board of Directors of the NC Association of Municipal Attorneys. In the community, he serves as a director of a nonprofit corporation providing housing to low income seniors in Cabarrus County, the Methodist Episcopal Senior Housing, Inc.



## S. ELLIS HANKINS

Ellis Hankins earned his Bachelor of Arts, Master of Regional Planning, and Law degrees from UNC-Chapel Hill. As an attorney with the firm based in Raleigh, his practice focuses primarily on local government representation.

Mr. Hankins provides general legal counsel to Person County and the Town of Godwin. He has also taught as a visiting professor in graduate public policy and management programs at UNC-

Chapel Hill, NC State, and Duke University, in the areas of state and local government, tax policy and public finance, public law and ethics, and intergovernmental relations. He also has assisted cities, counties, public risk pools, state municipal leagues, and county associations with executive searches and other management needs, as a member of a nationwide public sector consulting firm.

Mr. Hankins served as Executive Director of the North Carolina League of Municipalities, the statewide municipal association, and previously as the League's General Counsel and chief state legislative lobbyist. He has represented municipalities and other public and private sector entities and associations in state and federal trial and appellate courts and before congressional committees, as a member of the League staff and in private law practice. He is licensed to practice law in North Carolina and is admitted to practice before the US District Court for the Eastern District of North Carolina and the US Court of Appeals for the Fourth Circuit.

He is a former member of the National League of Cities Board of Directors; the NLC Mutual Insurance Company Board of Directors and Executive Committee (reinsurance company); the NCLM Risk Management Services Board of Trustees; the UNC School of Government Foundation Board of Directors; and the Wake County Parks and Recreation Commission. He assisted with the transition of North Carolina Governor-Elect Roy Cooper, leading the assessment team that evaluated the Governor's Office, Department of Administration and Office of State Human Resources. Mr. Hankins serves as the Chair of the Raleigh-Durham Airport Authority Board, as an appointee of the Wake County Board of Commissioners.

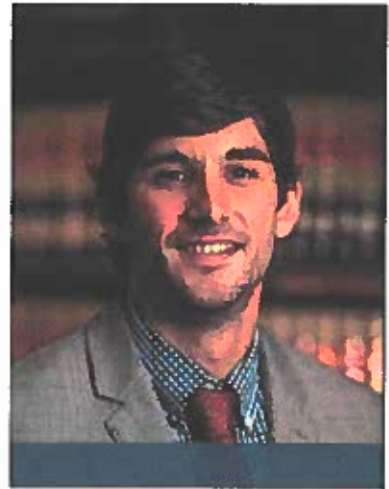
Mr. Hankins is a lifetime honorary member of the NC Municipal Attorneys Association, the NC City-County Management Association, and the NC League of Municipalities, and he received the Grainger Barrett Award for Excellence from the NC Bar Association Government and Public Sector Section. He is a member of the Order of the Long Leaf Pine, bestowed by Governor Pat McCrory for exemplary service to the State of North Carolina.

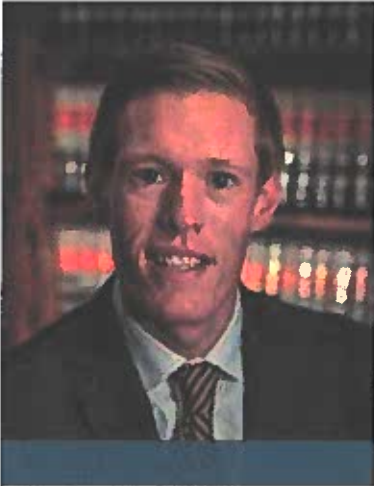
## KEVIN R. HORNIK

Kevin Hornik received his Bachelor of Arts degree, with honors, in History from Queens University of Charlotte in Charlotte, North Carolina in 2013. He received his law degree in 2016, and was admitted to practice in all courts of this State in 2017.

While in law school, Mr. Hornik worked as a legal writing consultant and instructor, assisting and advising students on their legal writing assignments. He also worked as an intern at the school's Community and Economic Development Clinic, providing pro bono legal services to non-profit and community and economic development organizations in the Charlotte area and in the surrounding communities. He also was a member of the World Affairs Council of Charlotte, participating in and attending a lecture series in the greater Charlotte area through both the law school and The Magellan Society.

Mr. Hornik currently serves as the City Attorney for Creedmoor and the Town Attorney for Pinebluff. He also regularly provides outside counsel to the Town of Chapel Hill Historic District Commission, the Town of Cary Board of Adjustment, and the City of Sanford Board of Adjustment and Historic Preservation Commission. His experience includes local government and municipal land use matters, as well as non-profit and community economic development work. Mr. Hornik practices with the firm by counseling the firm's numerous local government clients in land-use, regulatory, and employment matters, including all operational and transactional aspects of those local governments. In addition, he provides integral legal research, and litigation representation and support for cases litigated by the firm on behalf of local governments. This includes counsel and representation in administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the NC Court of Appeals, NC Supreme Court, the federal district courts of North Carolina, and the US Court of Appeals for the Fourth Circuit.





## BRADY N. HERMAN

Brady Herman received his B.A. degree from Elon University and his J.D. degree from Campbell University School of Law. While in law school, he concentrated his studies in litigation. He was also a named contributor to *Navigating the First Year of Law School*, a nationally-distributed book published by Carolina Academic Press.

Mr. Herman currently serves as the Town Attorney for Carthage and Vass and the City Attorney for Southport. He also provides outside counsel to the City of Sanford Planning Board. His practice is devoted to assisting private clients obtain zoning and land use entitlements and advising local government clients in a wide range of areas, including zoning and planning matters, code enforcement, quasi-judicial functions, ordinance drafting and interpretation, police and fire functions, storm water and other public-utility matters, employment matters, and contract and other transactional matters for local governments. Mr. Herman also provides legal research and litigation representation and support for cases litigated by the firm. This includes counsel and representation in negotiation and mediation, administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the North Carolina and federal courts.

Brady is a contributing author to the regular updates for *North Carolina Civil Trial Practice—With Application of the N.C. Rules of Evidence*—which is North Carolina's leading trial-practice treatise published by Juris Publishing Company. He is admitted to practice in all North Carolina courts.

## LYDIA E. LAVELLE

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In 2009, Ms. Lavelle joined the full-time faculty at NCCU Law School where she obtained the status of full professor. She regularly taught State and Local Governmental Law, among other subjects. She has published numerous articles and has co-authored two books. She has also served as a lecturer or panelist in over sixty workshops, events, and Continuing Legal Education programs on topics such as local government authority, legislative issues, and leadership.

Ms. Lavelle has served in public office and as a member or chair of numerous organizations, including the Executive Committee of the N.C. Metropolitan Mayors Coalition, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, the Orange County Solid Waste Advisory Group, the Board of Directors of the Orange County Visitor's Bureau, and the Board of Directors of the Chapel Hill-Carrboro Chamber of Commerce. Her memberships in legal organizations include the 18th Judicial District Bar, the North Carolina Bar Association, the American Bar Association, and the North Carolina Association of Women Attorneys (where she served as past President).

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- "Fending off Forfeiture," 21 *Trial*, No. 12, at 70 (Dec. 1985).
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- "Protecting Innocent Owners from Drug-Related Forfeiture," 2 *Inside Drug Law*, No. 2, at 1 (March, 1985).
- "Problems of Double Criminality," 21 *Trial*, No. 1, at 58 (January 1985).
- "Legal Implications of Human In Vitro Fertilization for the Practicing Physician in North Carolina," 6 *Campbell Law Review*, at 5 (Spring, 1984).
- "Saving Your Client's Ox: Some Fundamental Considerations and Defenses to Forfeiture Under 21 U.S.C. 881," 8 *The Champion*, No. 1, at 11 (Jan./Feb., 1984; reprinted in 15 *Trial Briefs*, No. 1 (1984).
- "Flexibility Without Arbitrariness in the Zoning System: Observations on North Carolina Special Exception and Zoning Amendment Cases," 53 *N.C. Law Review* 925-958 (1975).

## PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "A Reluctant Acceptance of Public Private Partnerships in North Carolina," Zoning Planning and Land Use Law Section Annual Meeting (NC Bar Association, March 27, 2015)
- "A Discussion of *Lanvale Properties v. County of Cabarrus*," NC Association of County Attorneys Winter Conference (U.N.C.-School of Government, February 6, 2015)
- "Quasi-Judicial Procedures," Town of Aberdeen Planning Board and Historic Preservation Commission (January 15, 2015)
- "Fair Housing and Local Government Land-use Regulations Affecting Persons with Disabilities," Town of Cary Board of Adjustment (October 6, 2014)
- "Fair Housing and Reasonable Accommodations by Local Governments," 2014 North Carolina Planning Conference (October 2, 2014)
- "Managing the Attorney-client Relationship and Organization of a Legal Department," Professionalism for New Admittees Program (NC Bar Association, May 15, 2014)
- "The State of Local Government Powers after *Lanvale Properties, LLC v. Cabarrus County* and into the Future," Joint Zoning, Planning & Land Use Section and Government/Public Sector Section C.L.E. Program (NC Bar Association, March 28, 2014)
- "The Aberdeen Board of Commissioners," Town of Aberdeen Board of Commissioners (February 27, 2014)
- "The Aberdeen Planning Board: An Introduction," Town of Aberdeen Planning Board (October 17, 2013)
- "Quasi-Judicial Procedure," City of Concord Board of Adjustment (August 28, 2012)
- "*Lanvale Properties, LLC v. Cabarrus County* and the City of Locust and Its Implications," N.C. Municipal Attorney's Association Winter Conference (UNC-School of Government, March 14-15, 2013)
- "Quasi-Judicial Procedure," Town of Cary Board of Adjustment (March 22, 2011)
- "Town of Aberdeen Historic Preservation Commission," Town of Aberdeen Historic Preservation Commission (March 21, 2011)
- Lecture on "Litigation in Real Estate Development Process" course at Kenan-Flagler School of Business (UNC-Chapel Hill, January 27, 2011)
- Testimony on behalf of the National League of Cities, National Association of Counties, National Sheriffs Association, National School Boards Association, International City-County Management Association, International Public Management Association for Human Resources, et. al. in Opposition to H.R. 413, Public Safety Employer-Employee Cooperation Act of 2009, before the U.S. House of Representatives Subcommittee on Health, Employment, Labor and Pensions, 111th Congress (March 10, 2010)
- "With a Little Help From My Friends—Negotiation Techniques," NC Bar Association CLE, "We Can Work It Out—15th Dispute Resolution Section Annual Meeting," (April 11, 2008)
- Leadership Lecture (Elon University Center for Leadership, March 12, 2008)
- "Constitution Day," Lecture to Elon University, College of Arts & Sciences: "Exploring Some Common Constitutional Myths" (September 19, 2007)

## PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "The Legal Responsibilities of the Landlord Under NC Law," Housing Workshop (City of Roxboro, N.C., July 23, 2007)
- "Professionalism in Your Practice" (Orange County Bar Association CLE Second Celebration of Professionalism, January 26, 2006)
- "Law Students and Lawyers in Professionalism" (Orange County Bar Association CLE on Professionalism, February 12, 2004)
- "Update on the City of Hickory Unified Development Ordinance" (Catawba County Bar Association meeting, June 12, 2009)
- "Development Agreements and Conditional Zoning in North Carolina" (Moore County Planning Retreat, August 15, 2008)
- "Origin, History, And Status Of Bill Dealing With Quasi-Judicial Land Use Decisions" (Law Seminars International Two-Day Conference, July 24-25, 2008)
- "Senate Bill 212: Land-Use Permit Appeals" (N.C. Bar Foundation, May 3, 2007)
- "Governmental Immunity" (UNC-School of Government, October 27, 2005)
- "Judicial Review of Quasi-Judicial Zoning Decisions" (NC Bar Foundation, May 7-8, 2004)
- "Getting the Most Out of Your Appraiser (Updated)" (CLE International Eminent Domain Conference, August 14-15, 2003)
- "Local Regulation of Intensive Livestock Operations After *Craig v. County of Chatham*" (NC Bar Association CLE Program October 4, 2002)
- "Getting the Most Out of Your Appraiser" (CLE International Eminent Domain Conference, June 27-28, 2002)
- "Neither Fish Nor Fowl: Conditional Use Zoning" (NC Bar Foundation, 2002)
- "The Law of Depositions in North Carolina" (N.C. Academy of Trial Lawyers CLE Program January 11, 2002)
- "A Proposed Statute Dealing With Appeals of Quasi-Judicial Land Use Decisions" (NC Bar Foundation, 2001)
- "How Land Use Regulations Can Affect Property Values" (NC Bar Foundation, 1999)
- "Appealing to and From the Board of Adjustment" (NC Bar Foundation, 1997)
- "Update in Telecommunications Law with an Emphasis on Cell Tower Permitting," NC Municipal Attorneys' Conference (August, 1997)
- "Punitive Damages," Seventh Annual Festival of Legal Learning (UNC-School of Law CLE, 1997)
- "Enforceability of Manager Employment Agreements," NC City-County Management Association Winter Conference (Chapel Hill, February 9, 1996)
- "Overview of the Telecommunications Act of 1996," NC Association of Municipal Attorneys Summer Conference (Pinehurst, August 3, 1996)
- "Ethics of Witness Preparation" (UNC-School of Law CLE, 1996)

## PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "Rate Regulation and Other Issues Affecting NC Municipalities in the Cable Television Consumer Protection and Competition Act of 1992 and FCC Regulations and Rulings," NC League of Municipalities Annual Convention (Asheville, October 18, 1994)
- "Dolan vs. Tigard: The Supreme Court Advances Taking Law" (NC Bar Foundation 1994)
- "Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances" (Wake Forest CLE, 1992)
- "Liability of Local Governments for Damages for Unlawful Land Use Decisions" (NC Bar Foundation, 1991)
- "Recent Developments in N.C. Land Use Law" (National Business Institute, Inc., 1990)
- "Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances" (Wake Forest CLE, 1990)
- "Local Watershed Protection Programs, Water Rights Resources and Quality," NC Bar Foundation and Environmental & Natural Resources Law Section, NC Bar Association (1990)
- "Ethical Considerations in Civil Litigation & Appellate Practice" (NCCU School of Law CLE, 1990)
- "Land Use Litigation Procedural Issues, Land Use Regulation and Planning," NC Bar Foundation and Real Estate Section, NC Bar Association (1988)
- "Vested Rights," Land Use Litigation Seminar (NC Academy of Trial Lawyers, 1987)

## ORGANIZATIONAL AFFILIATIONS OF FIRM MEMBERS

- North Carolina Bar Association, Zoning, Planning, and Land Use Law Section
- North Carolina Bar Association, Government and Public Sector Section
- North Carolina Association of Municipal Attorneys
- North Carolina Council of School Attorneys
- Scribes – The American Society of Writers on Legal Subjects
- North Carolina Council of School Attorneys

## BAR MEMBERSHIPS FOR FIRM MEMBERS

- North Carolina State Bar
- US District Court, Eastern District, N.C.
- US District Court, Middle District, N.C.
- US District Court, Western District, N.C.
- US Court of Appeals for the Fourth Circuit
- United States Supreme Court



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