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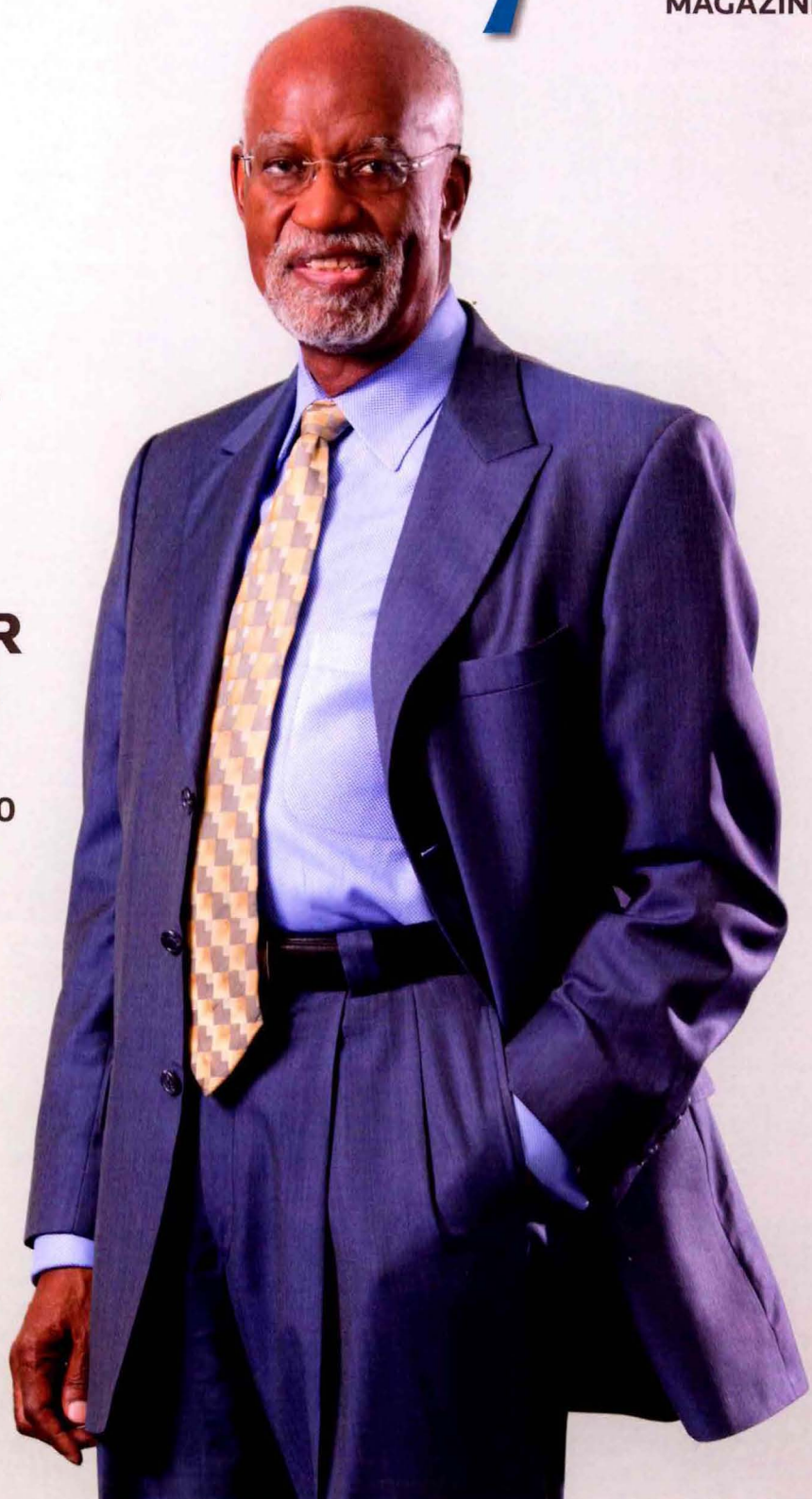
## THE SEVENTH BLACK LAWYER IN CHARLOTTE

James E. Ferguson II is  
fearless for his clients—  
including the Wilmington 10

### ALSO

LITIGATOR ASHLEY HUFFSTETLER  
CAMPBELL STRIVES TO PROTECT  
VICTIMS OF ABUSE

FAMILIES HAVE A  
PATIENT ADVOCATE  
IN MARCIA H. ARMSTRONG



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# Q&A

## SOFT HEART, STEADY HAND

Family law attorney Marcia H. Armstrong, partner at Armstrong & Armstrong, on the importance of patience and mentoring, and how being a lawyer isn't like the TV shows

INTERVIEW CONDUCTED AND EDITED BY NYSSA GESCH



**Q: What inspired you to choose law?**

**A:** I was a double major in history and modern foreign languages and really wasn't sure what I wanted to do. To be honest with you, it just seemed like an exciting path to take. We had a mock, simulated, summit type thing with one of our political science professors in college and we had to negotiate a treaty. I enjoyed doing that; I was the ambassador to the United States in that summit. That might've sparked the interest.

**Q: How did you end up choosing your practice area?**

**A:** That probably also was by default. I went to one family law course in law school, and I started practicing law with a firm in my hometown. My very first cases dealt with federal Fair Labor Standards Act kind of cases, and then I started doing some family law with George Mast, who was the senior law partner in the firm that hired me out of law school, and it just sort of evolved. It's something that I seem to do well in and enjoy, although [it's] stressful. But it just seemed to be a good fit for me and my personality. In my life, it seems like I just sort of kept doors open.

**Q: How does it fit your personality?**

**A:** I tend to have a lot of patience. I also think that when you've got somebody here—their world's falling apart, they need somebody that's going to be patient—they also need someone that's going to be steady; loving, but also firm. They need somebody that's going to let them know when they're not thinking rationally or when they may be going down a path they shouldn't be. ... I'm a people person, I have a soft heart, but I can be the steady hand, so to speak.

**Q: It seems similar to a counselor.**

**A:** Sometimes I feel like I am. ... But you have to be careful because you really could burn out. In fact, I don't do as much custody work as I did when I was younger because after 15 to 20 years I was burning out.

**Q: Because kids are involved?**

**A:** Yeah, and sometimes because [parents] are upset and they aren't thinking clearly, they'll put the children in the middle. It's hard. I have three children of my own and just to see kids torn apart, it's very stressful. I hopefully help with that as well, trying to encourage people to have good family therapists involved and to ask them if they've thought about how what they're doing is affecting their children. I try to be an advocate for the children as well.

One thing I seem to be doing a lot of in the past several years is representing people that have mental health issues. We're talking well-educated, career-type people that have serious issues and a lot of them: clients who've been suffering from bipolar or alcoholism or drug addiction, prescription drug addiction, which is really rampant right now in our country and world. But those people need help. They need help from their spouse, but they also need help from themselves to be sure that they are looked after, so I don't shy away from those cases. Maybe I should. But they're very appreciative; they realize they're not always the easiest clients.

**Q: Did anything about practicing law differ from what you expected?**

**A:** I don't think I really knew how it would be. I have two children [in the legal field]—one that's been practicing a year and another one that's a first-year law student—so I think that [they] probably



have ideas because they grew up with a mother, and a father, that was a lawyer, so they kind of lived through it. I think I just sort of went into it wide-eyed, like all young people, I guess—excited, and was going to go and solve problems for people. I was going to be a problem solver. And that's exactly what I feel like I am.

**Q: What is it like having a law firm with your husband, Lamar?**

**A:** Great, because we don't have all the issues of, "OK, so how are you going to divide up the pie, whatever money you make?" It all goes to our children. We practice different areas of law so we don't see each other that often, but it's nice, it's been a real experience. I don't know that it would have been such a great experience if we had tried to practice the same kind of law. I'm not his boss, he's not my boss, we do totally different things. Although we have tried a couple of alienation of affection cases together. That was kind of fun.

**Q: You touched on this before, but what's the most rewarding part about being a lawyer for you?**

**A:** It is helping, and I know that sounds cliché—"I love helping people"—but it's true. I wouldn't be doing family law if it wasn't. Problem-solving, solving problems for people. There's a satisfaction when the case is done and these parties go about their lives. There's a satisfaction knowing that you've, like I said, in a very difficult time to have been able to be there and be their rock.

And mentoring. This is the thing that's hit me [these] past few years. Now that I'm the seasoned lawyer, I need to be a good mentor because I was fortunate and had good mentors.

**Q: Is there a formal mentorship program that you're a part of or is it more informal at your law firm?**

**A:** I do both. I'm the state bar counselor for our district, and I have lawyers who will contact me in our district—not just family lawyers—that have ethical issues they're grappling with. I do serve for the mentor program at the Wake Forest Law School, so I mentor a law student through that program as well. [If] there's a high school student or somebody that wants to see what it's like to practice law, they'll come follow me around for a day or so. I'm always open to any of those kinds of opportunities to show them how wonderful our profession is, and rewarding. It's hard work though.

Maybe that's the one thing that surprised me, come to think of it. I just don't think people realize how hard lawyers work. To be successful you really have to work hard and [be] willing to sacrifice weekends, at times, and nights. It is not an easy way to make a living. Not like the TV shows.

**Q: Nothing is ever like the TV shows.**

**A:** There's this show, *Suits* or something? Lamar and I were watching it the other night, just 'cause our son had told us about it, and it's funny how they walk around all day long and not one of them has a file in their hand, much less a box. And their desks are clean and everybody's offices are just immaculate, and I'm just thinking, "Yeah, right." [Laughs] That's not real. When I go to court, I have boxes. They didn't even have a file; [they] had like maybe one little manila folder or something in their hands.

**Q: Outside of the office, I understand**

**that you've been on 12 different mission trips, most recently to Swaziland.**

**A:** I got involved in those because of my children. We have a very active youth group at our church and they did mission trips in the summers, so I volunteered. I have roofed houses, I have painted houses, I have done anything: sheetrock, put flooring down. I would go with my children every summer on those trips. They were extremely rewarding.

**Q: What else do you do to unwind from your practice?**

**A:** My other passion is Harbor, which is the domestic violence program in our area. I was the initial chair 26 years ago, and I'm still on the board. We have a shelter now for victims of domestic violence. We're on a capital campaign now to build a modern, new shelter.

I'm in a book club. ... And then I've been a member of the same bridge club for 27 years. I do that once a month as well. We love the beach. I love hanging out with my children. I'm not a grandmother yet, although I have two grandpuppies. We're going the right direction. [Laughs]

**Q: Is there anything that you'd like to add that I didn't specifically ask about?**

**A:** I've become very good friends with my family law peers across the state and all over the country. That's been really nice. I'm in the American Academy of Matrimonial Lawyers and [I've] become extremely good friends with these family lawyers: We've gotten to know each other over the years, we know each other's families, we celebrate when we have births or marriages of our children, we are sad when we lose family members.

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It's also very nice because if you get a tough question, you can email everybody, and say, "OK, I got this issue, has anybody ever had this issue," so the networking is just fabulous as well. That's something that I definitely wanted to mention because the family lawyers are special. [Laughs] We also know how to have a good time. Apparently, our reputation as the family law section of the North Carolina Bar Association [is that it] has the best annual meetings, which I would probably agree. We know how to have fun together as well. [Laughs]

[I've been in a group of family lawyers] for 25 years called the Dirty 30. It sounds kind of bad, but it really isn't! We have members across the whole state. We get

together every January in Chapel Hill, and spend a weekend together without our spouses or significant others. It's really all about talking about law but also socializing together. No more than 30 [lawyers are in the group]. Unfortunately we have had a few who have passed away. We will add new lawyers along the way to keep the number to 30.

One last thing: I'm a mediator and an arbitrator, so I believe very, very strongly in alternative dispute resolution. I've tried a lot of cases and I still will do that but I definitely, definitely—especially in our area of practice—just do everything in my power to get people to try to resolve it without resorting to the courtroom. Especially if you have children

and you're going to have to continue to jointly parent the children and then one day they're going to have children, your grandchildren, it's just so much better to resolve your conflict outside of the courtroom. That's important in every area of practice but extremely important in family law. [SI](#)

ARMSTRONG SPEAKS ABOUT VISITING THE VILLAGE IN SWAZILAND THAT HER CHILDREN'S YOUTH GROUP ADOPTED  
 [bit.ly/nc13video1](http://bit.ly/nc13video1)

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larceny rather than burglary, the latter of which carried a sentence of life in prison.

Ferguson was still a young lawyer, just five years out of law school, when he began representing the Wilmington 10: nine African-American men and one white woman accused of arson and conspiracy in the wake of Wilmington school desegregation. He could identify with the young defendants based on his own high school experience. "When the [Wilmington] schools were desegregated, black students were bused to white schools and felt isolated in many ways," Ferguson says. "One white vigilante group, The Rights of White People, would ride through the community and fire gun shots to terrorize the community. The students were not going to be terrorized, so they took a stand. They sought to be heard. The arrests grew out of racial protests."

One prosecution witness connected the defendants to crimes and two others connected them to the place of the crime, and the Wilmington 10 were convicted and sentenced to a combined 282 years in prison. Eventually, the three witnesses recanted. They also noted something Ferguson had suspected all along: that the prosecution had provided them inducements, such as hotel stays, in exchange for their testimony. Such incentives, while legal, had not been shared with the defense, which was required. In 1981, nearly a decade after the initial trial, the U.S. Court of Appeals for

the 4th Circuit overturned the convictions. Last spring Ferguson petitioned Gov. Beverly Perdue to receive pardons for the Wilmington 10, but as of late September 2012, the governor had not acted.

Ferguson is no stranger to such lengthy cases. In 1984, a black man named Darryl Hunt was accused of raping and murdering a white woman, Deborah Sykes, in Winston-Salem. Ferguson became involved after Hunt was convicted in 1984. Eighteen years old at the time of imprisonment, Hunt always maintained his innocence, to the point of rejecting a plea deal several years after he went to prison.

In 1994, scientific analysis similar to DNA testing proved Hunt wasn't the rapist, but the murder charge stood—even though all testimony initially indicated that both crimes were committed by the same person.

In 2004, Ferguson's co-counsel, Mark Rabil, requested DNA testing of all inmates in the Forsyth County Jail, and the results produced a "near hit," meaning that one inmate's DNA tested close to that of the killer's. The inmate happened to have a brother who was in custody and about to be released, and police decided to test his DNA. It was a perfect match. Hunt was then freed, 20 years after his incarceration, in 2004. "We had pointed out [early on] that this man should have been a suspect," Ferguson says.

#### FERGUSON'S PASSION FOR THE LAW

extends globally, and for the past 20 years,

he has helped lawyers in South Africa develop their trial skills. In the 1980s, he and Ken Broun, then dean of the University of North Carolina School of Law, co-founded the country's first trial advocacy program, offered through the National Institute for Trial Advocacy. Apartheid was still law when they taught the first session in 1986, and Ferguson went on to teach in the program for many years.

"In 1986, there were no black judges, no top black lawyers and no black lawyers in government," he recalls. "We celebrated the program's 20th anniversary in 2006. On the highest court, there were three members who had either been teachers or students in the program, including the minister of justice, which is equivalent to our chief justice of the Supreme Court."

Despite turning 70 last October, Ferguson says he has no plans to retire. After getting a heart stent in the mid-1990s and turning back prostate cancer in the early 2000s, his health is good, he says. "As long as I feel like I can make a difference, I will continue." [SI](#)

FERGUSON TALKS ABOUT THE CHALLENGES HE—AND THE WILMINGTON 10—FACED  
 [bit.ly/nc13video2](http://bit.ly/nc13video2)