

The Selma Cyclepaths

BY ROBERT W. BRYANT JR.

I think it was in late 1988—two years earlier, I had moved from Elizabeth City to join my brother-in-law’s legal practice in Selma—when my younger brother, Larry, called me and said he needed to talk with me *in person*. I suspected bad news. My suspicions were, unfortunately, correct. He told me that he had been diagnosed with multiple sclerosis (MS).

A terrific athlete until around age 30, and a hero in everyone’s eyes but his own, Larry had been suffering for several years from a number of health problems that affected his mobility, vision, and thought processes. In 1988, the medical community had much more limited information and resources than they do today for diagnosing MS. It was through a process of elimination that the diagnosis was made. A husband and father of two sons, Larry was devastated, as were all of us in the family.

MS is an inflammatory disease that affects the ability of nerve cells to communicate with one another. In all people, long fibers (axons) in the nerves are wrapped in a fatty, insulating substance called myelin. Think of the plastic or rubber sheath wrapped around the wiring in an electrical cord and you might better be able to picture what myelin does. In MS, it is believed that the body’s own immune system attacks the

myelin, damaging it and forming scars (called sclerosis) that prevent the axons from effectively conducting signals. These scars form along the nerves, the spinal cord, and the white matter of the brain. While scientific research has uncovered much about the mechanisms involved in MS, the exact cause of the disease remains elusive. There is no known cure, though medications have been developed over the past 20 years or so to treat the symptoms and to slow the progression of the disease.

Among my many reactions to Larry’s news was the feeling of helplessness, a sensation to which I was unaccustomed. As lawyers, we are regularly tasked with identifying a problem, deciding some alternative solutions, and working toward the best possible conclusion for our clients. This feeling of helplessness made me uncomfortable and

frustrated. I wanted to find a meaningful way to make a difference not only to Larry, but to others who were in his situation. I had met David Holmes at my church, Edgerton Memorial United Methodist Church, in Selma. David had become aware of Larry’s disease and, coincidentally, had picked up a brochure promoting something called the MS 150 sponsored by the Eastern North Carolina Chapter of the National Multiple Sclerosis Society. He was an avid cyclist. He suggested that we try the MS 150 Ride. I soon came to learn that “doing the 150” meant riding 150 miles over a two-day period on a bicycle. The only bike I owned at the time was a cheap, off-the-shelf one from Rose’s Department Store, which had been



Cyclists line up for the 100-mile Bike MS route. Photo courtesy of the Sun Journal.

stored in my shed for several years, so I borrowed David's old touring bicycle. In spite of the fact that the MS 150 was less than three weeks away, I accepted David's offer. After far too short a training period consisting of perhaps riding a total of 40 or 50 miles, I solicited maybe \$200 in contributions from family and friends and I rode in my first MS bike tour in 1990. I could not have imagined at the time how that experience would change my life, that of my family, and (I hope) the lives of other families living with multiple sclerosis.

We did not have a formal MS bike team in the beginning. It was just a couple of friends and me. By 1993, our numbers had swelled to maybe seven or eight people and we decided that we needed a name. After an afternoon brainstorming session, one of our riders, Darlene Creech, coined the name we all favored, the Selma Cyclepaths. This earned us the Best Team Name award in the MS tour that year and we beamed with pride. Little did we know back then the many awards that future years held for the Cyclepaths.

Prior to 2003, we never had more than 12 riders in any given year. I sent out hundreds of letters to church friends and attorney colleagues, inviting them to either ride with me or make a contribution. Almost all opted to write a check. In 2002, surgery on my knee forced me to miss the MS 150. I was saddened to learn that only three Selma Cyclepaths made it to the starting line of the MS 150 that year. One of those Cyclepaths was fellow family law attorney Lynn Burleson, who had ridden with us every year since he accepted my challenge in 1996. Lynn practices with the Tharrington Smith firm in Raleigh. He had the notion to rebuild the team with area lawyers. It turned out to be a brilliant idea! Many of these lawyers had made contributions to Lynn or me in the past, but now the plan was to recruit them as riders. We ran ads in area newspapers and in the *Wake County Bar Flyer*. We made announcements at CLE programs, made phone calls, and handed out flyers at various events. The response was amazing. We registered 64 riders in 2003 and have had no less than that number of riders every year since, topping out at 102 riders in 2007. Most of the growth in the number of Cyclepaths riders since 2003 has been occasioned by the steadfast work enthusiastically carried out by Lynn, who has an unparalleled ability to slog

though the detailed stuff and achieve the best possible result. For his prodigious efforts I am eternally grateful.

From mid-April to the annual MS Tour in September of each year, the Selma Cyclepaths sponsor weekly training rides on the outskirts of Clayton, North Carolina, every Saturday morning. These are training rides for all ages and abilities. Those who regularly participate in these training rides are not likely to experience the saddle soreness that I did on that first MS 150 weekend.

Ever since the Cyclepaths became a real presence in the MS Bike Tour, the team has been anchored by my many lawyer friends. Currently, Jenny Bradley (Raleigh), Gaines Weaver (Raleigh), Martin Tetreault (Smithfield), and Lynn Burleson (Raleigh) are co-captains of the team.

In 2005, 98 Selma Cyclepaths raised \$118,547. For six consecutive years, the Selma Cyclepaths have been the top fundraising team of the eastern North Carolina MS Bike Tour. Since the team was launched in 1993, we have raised a total of \$846,042 in support of MS research and programs. As a sitting state district court judge, I am unable to solicit funds for non-profit organizations, so now I just send the MS Society my own check for as much of a contribution as I can afford each year. I still enjoy riding my bike with the Selma Cyclepaths on Saturday mornings in the spring and summer and in the Bike MS Tour each year and, through the gracious generosity of friends and family, I personally raised a combined total in excess of \$100,000 in those years before becoming a judge.

Many of the Selma Cyclepaths team members have a close personal connection to someone with MS. Tom Andrews, former general counsel to the Administrative Office of the Courts and retired since 2005, has participated in the MS Bike Tour rides for 15 years, seven of these as a Cyclepath. Tom's sister, Joyce, diagnosed with MS in 1974, passed away in 1994 at 47 years of age. Always among North Carolina's top fundraisers, Tom has also probably collected at or above \$100,000 in donations for the Eastern NC chapter of the MS Society. His supporters are largely people in the court system (judges, magistrates, district attorneys, clerks, etc.), with his regular contributors located all over the state.

Jenny Bradley, a family law attorney with the Cheshire Parker firm in Raleigh, has been

Other North Carolina lawyers and judges who have ridden with Cyclepaths in the MS Tour, or have trained with the team on Saturdays, include the following:

- Lisa Angel (Raleigh)
- Heidi Bloom (Raleigh)
- Kimberly Bryan (Raleigh)
- Laurie Burch (Raleigh)
- Ken Carmack (Raleigh)
- Lois Colbert (Charlotte)
- Woofers Davidian (Raleigh)
- Tom Dimmock (Raleigh)
- Judge Wallace Dixon (Durham)
- Archie Futrell III (Raleigh)
- Eddie Greene (Raleigh)
- Kelly Greene (New Bern)
- Bob Hargett (Raleigh)
- Wade Harrison (Burlington)
- Kevin Hopper (Raleigh)
- Logan Howell (Raleigh)
- Christine Kennedy (Raleigh)
- Frank Laney (Raleigh)
- Betsy Cook Lazen (Raleigh)
- Judge Rich Leonard (Raleigh)
- Alan McInnes (Raleigh)
- Cathy McLamb (Raleigh)
- Danielle Marquis (Raleigh)
- Charles Mooney (Raleigh)
- Fred L. Morelock (Raleigh)
- Helen Oliver (Raleigh)
- John Parker (Raleigh)
- Mark Payne (Smithfield)
- Carlyn Poole (Raleigh)
- Judge Paul Ridgeway (Raleigh)
- Max Rodden (Raleigh)
- Steve Smalley (Raleigh)
- Wade Smith (Raleigh)
- Alice Stubbs (Raleigh)
- Melissa Trippe (Raleigh)
- Will Webb (Raleigh)

riding with the Cyclepaths every year since 2004. Jenny's father, Joe, was diagnosed with MS in 1995 after years of suffering symptoms that were mislabeled or misdiagnosed. Jenny and her dad are thankful that fundraising events like the MS Bike Tours have increased funding for research and programs, and they are confidently hopeful that the disease will eventually be eradicated through

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Bar's Trust Account Compliance Counsel. The trust account compliance counsel will monitor the lawyer's trust accounts, review the lawyer's trust account records, and inspect the lawyer's handling of entrusted funds for as long as two years. If the lawyer timely complies with all requirements of the program and satisfactorily completes the program, the Grievance Committee will not open a grievance file on the issue of the lawyer's pre-referral noncompliance with Rule 1.15.

If the lawyer does not consent to participate in the program, or if the lawyer consents to participate but does not timely comply with all requirements and/or does not satisfactorily complete the program, the Grievance Committee WILL open a grievance file and the lawyer may be subject to imposition of professional discipline for non-compliance with Rule 1.15.

This program is not intended for, and will not be offered to, lawyers involved in possible misappropriation of entrusted funds, criminal conduct, dishonesty, fraud, misrepresentation, deceit, or any other conduct the chair of the Grievance Committee deems inappropriate for referral. These cases will continue to be automatically sent to the Grievance Committee.

A Service for Lawyers and to the Public

The TAC program, while officially under the supervision of the Grievance Committee, is intended to help lawyers learn to manage their trust accounts and to avoid the grievance process. Not every lawyer found to have deficiencies will be asked to enter the program, as some deficiencies can easily be corrected. The program is focused on offering an alternative to the grievance process for lawyers determined to be significantly out of compliance. The objective of the program is for the lawyer to gain competence in trust accounting rules and procedures in a confidential environment, thereby improving the safety of the public's entrusted funds.

The requirements of the program are uniquely tailored to each lawyer based on the nature and gravity of his or her deficiencies. Some lawyers will need less supervision than others, and some lawyers will take less than two years to complete the program, while others will not. Procedural mistakes made during the term of the program do not necessarily expel a lawyer from the program, but

may act to expand the requirements for satisfactory completion of the program. If the lawyer is in compliance after two years of the program, no further supervision or monitoring will occur and no grievance file will be opened. In this case, the lawyer has avoided the grievance process, has improved his or her trust accounting practices, and the public has been protected from the dangers of mismanaged trust accounts.

Trust Accounting Resources

Our battle against bad trust accounting practices not only utilizes the TAC program and grievance process, but it also includes resources and education. The State Bar produces a highly informative *Attorney's Trust Account Handbook*, which is available on the State Bar website, www.ncbar.gov. In addition, the staff auditor, Bruno DeMolli, and the trust account compliance counsel, Peter Bolac, continue to present CLE courses on the trust accounting rules to local districts and newly admitted lawyers and are available to answer any questions that you may have concerning the management of your trust account, either by phone at (919) 828-4620, or by email at pbolac@ncbar.gov.

Conclusion

The State Bar is not sure why many lawyers are flouting Rule 1.15. Perhaps they believe they are too busy; perhaps they forget; perhaps they do not realize that failure to handle their trust accounts responsibly will result in disciplinary action; perhaps they believe their deficiencies are not significant enough to warrant the Grievance Committee's attention. However, ignoring these duties will now be a losing strategy. If a lawyer is found to be significantly out of compliance with Rule 1.15, the lawyer must either voluntarily enter the TAC program or become the subject of a grievance. The Grievance Committee routinely refers lawyers who are significantly out of compliance with Rule 1.15 to the Disciplinary Hearing Commission for a public trial. The DHC routinely imposes lengthy stayed suspensions during which respondents must comply with extensive conditions in order to continue practicing law. See 09 DHC 25, 10 DHC 4, 10 DHC 12, and 10 DHC 26. All DHC proceedings are public. All disciplinary orders entered by the DHC are public. To avoid this outcome, lawyers must learn to keep proper trust account records and follow

required procedures. The trust account compliance counsel stands ready to help them. ■

Peter Bolac is the district bar liaison and trust accounting compliance counsel for the North Carolina State Bar.

Selma Cyclepaths (cont.)

such efforts. A loyal Cyclepath, Jenny has taken on a steadily increasing role in the operation and management of team functions.

Wade Smith, probably already known by many of you as an acclaimed criminal defense lawyer practicing with Tharrington Smith in Raleigh, is the "elder statesman" (read this as most senior) rider among the Selma Cyclepaths. A prolific raiser of funds for the MS Society, Wade unpretentiously goes about doing his part for the team without fanfare, shying away from any individual recognition. He is a real inspiration to his fellow riders, and a talented musician and canvas artist to boot.

Lynn, Tom, Jenny, and Wade are four of the finest people you could ever know, but they are just a few examples of the folks that comprise the Selma Cyclepaths. Every member of the team has similar characteristics of dedication, good-heartedness, and philanthropy. I am privileged to be able to enjoy the company of such individuals.

I have now ridden in 19 MS Bike Tours. I missed the very first tour and two others when surgeries temporarily took me out of the saddle. Larry lived with this debilitating illness for roughly 20 years until complications from MS took his life in 2008. Although he is gone, I still ride in his memory and to help others struggling with MS. While the medical community has yet to develop a cure for this illness, huge strides have been made and hopefully someday soon a cure for MS will be developed. It is my goal that the Cyclepaths will be forced to choose some other worthy charitable organization toward which to devote their collective efforts. Larry remains a hero, even in death, because he continues to provide part of the inspiration for the best cycling team in eastern North Carolina. ■

For more information on the Selma Cyclepaths, go to www.selmacyclepaths.org.