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The Power of a Good Story: Bringing Narrative Force to a Transactional Practice

Association of Corporate Counsel

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What skills do all lawyers have in common?

- We all **analyze** information.
- We all **explain** information to others.
- We all tell stories.

Transactional lawyers are storytellers, too.

- One company buys another company or sells a division.
- A company hires—or fires—a senior manager or executive.
- A company enters into a supply agreement for a critical component used to make a leading company product.

Transactional lawyers tell their stories in different contexts.

- A lawyer drafts a contract to memorialize a transaction.
- A lawyer discusses pre-contract negotiations with an internal business team or opposing counsel.
- A lawyer discusses a post-closing matter with a business person or another lawyer.
- A lawyer prepares for a dispute resolution proceeding.

Trial lawyers consider several critical features of our stories.

- **Audience:** To whom are we telling our story?
- **Theme:** How coherent and compelling is our message?
- **Language:** How clear and persuasive are our words?
- **Style:** Are we telling our story in a way that harmonizes audience, theme and language?

These narrative considerations are often overlooked.

- Consider an important business contract that omits important details of the transaction, uses vague language and lacks organization:
 - The contract doesn't illuminate the parties' pre-closing negotiations.
 - The contract creates ambiguities that make it hard to address post-closing matters.
 - Outside counsel finds it challenging to use the contract to explain the transaction and the client's position to a jury, judge or arbitrator.

When told well, a coherent and compelling transactional story **guides** the parties' pre-contract negotiations, **instructs** and **reminds** the parties of their post-closing obligations, and **persuades** fact finders and decision-makers in post-closing disputes.

Where do transactional lawyers tell their stories?

- “Recitals” or “Background Statement” sections of a contract
- Emails and other correspondence to internal business partners and opposing counsel while negotiating a business transaction
- Emails and other correspondence to internal business partners and opposing counsel while analyzing post-contract obligations
- Dispute resolution materials (demand letters, arbitration notices, mediation statements and court pleadings)

Scholarly Research

- Over the past several years, two law professors have devoted significant attention to the use of narrative techniques in a transactional practice.
- Susan Chesler (University of Arizona School of Law) and Karen Sneddon (Mercer School of Law)

Scholarly Research

- “Once Upon a Transaction: Narrative Techniques and Drafting,” 68 Okla. L. R. 263 (Winter 2016)
- “Happily Ever After: Fostering the Role of the Transactional Lawyer as Storyteller,” 20 Tenn. J. Bus. L. 491 (Fall 2018)
- “From Clause A to Clause Z: The Transactional Reader and Narrative Transportation,” 71 S.C. L. Rev. 247 (Winter 2019)

AUDIENCE

“Water shapes its course according to the nature of the ground over which it flows; the soldier works out his victory in relation to the foe whom he is facing.”

- Sun Tzu, *The Art of War*

Or as a trial lawyer might say ...

Know your audience.

Knowing Your Audience

- “Knowing your audience” is one of the most fundamental, and most often overlooked, responsibilities of every lawyer.
- Our legal education and experience sometimes cause us to forget that our audience does not have the same training.
- Even when we are talking to another lawyer, we sometimes forget the ways in which that lawyer’s perspective differs from our own.
- And worst of all, we sometimes condescend to, or underestimate, our audience.

Knowing Your Audience

- Consider your audience’s **knowledge** of the transaction at issue and general business **experience**.
 - An internal business person with a high level of knowledge of all details of the transaction
 - A senior manager or executive familiar with only the major features of the transaction, but with broad business experience
 - Outside company counsel with no knowledge of the particular transaction, but with good general knowledge of the company’s business
 - A mediator with no knowledge of either the transaction or the company’s business

Knowing Your Audience

Knowing your audience's knowledge and experience is important for at least two reasons:

- First, your audience's knowledge and experience will help determine how much background information to provide.
 - Too much information may bore your audience or make them impatient.
 - Too little information may confuse or frustrate your audience.

Knowing Your Audience

- Second, your audience's knowledge and experience will help you determine the language you use to tell your story:
 - You will be more free to use specialized business terms and "commercial shorthand" with an audience of experienced business people.
 - You will likely need to use fewer specialized terms when speaking to outside counsel or third parties unfamiliar with the transaction.
 - If you don't pitch your language to your audience, you may sow confusion, distraction or frustration.

Knowing Your Audience

You must also consider your audience's **perspective**.

- If your audience is an internal business person or company lawyer, your story needs to **explain** or **facilitate** the transaction, not persuade.
- If your audience is a business person or lawyer on the other side, your story needs to **persuade** your audience to accept your position.
- If your audience is a third party unfamiliar with the transaction, your story will need to both **explain** and **persuade**.

Knowing Your Audience – Drafting Concerns

- “Knowing your audience” becomes more challenging when drafting a written instrument to memorialize a transaction.
- At the time of drafting, your audience is likely familiar with the transaction and all parties are cooperative.
- After the transaction closes, the audience may shift to parties less familiar with the transaction, who may become adversarial.
- Your written instrument must be flexible, detailed and clear enough to accommodate multiple audiences.

THEME

“To produce a mighty book, you must choose a mighty theme.”

- Herman Melville

“If there were only one truth, you couldn't paint a hundred canvases on the same theme.”

- Pablo Picasso

Or as a trial lawyer might say ...

Pick a theme that has a ring to it.

Pick a theme that fits the context.

Why Do We Care About a Good Theme?

- An effective theme **organizes** and **directs** your story, giving it purpose, coherence and momentum.
- An ill-crafted theme may cause your story to meander, confuse or distract—risking the loss of your audience.

How Do We Select the Right Theme?

- Consider **audience** and **context**.
- Who are you talking to?
- Where are you in the life cycle of the transaction?

Selecting the Right Theme – Examples

- You are counseling your internal business team on a significant business acquisition and finalizing a letter of intent.
 - Your theme may focus on the benefits of the transaction to your company, emphasizing how the transaction complements the company's business strategy and will lead to a more profitable or successful future.

Selecting the Right Theme – Examples

- You are negotiating the final draft of an important supply agreement with in-house counsel from another company.
 - Your theme may focus on the benefits of the transaction to *both* companies, while emphasizing the contract provisions that are fair to *both* sides.

Selecting the Right Theme – Examples

- You are discussing the terms of a non-compete provision with a departing company executive as you finalize the executive's severance agreement.
 - Your theme may focus on the importance of being faithful to a deal that has already been struck, while giving both sides the freedom to be successful in the future.

Selecting the Right Theme – Examples

- You are assisting outside counsel in preparing a mediation statement in connection with a post-closing earnout dispute.
 - Your theme may focus on the fairness of your company's position and the refusal of the other side to stick by the terms of the deal.

Selecting the Right Theme – Examples

- All of this may seem intuitive, but it is remarkable how often lawyers are forensically “tone deaf” and choose a theme that is ill-suited to their audience or context.
- For example, in negotiating a business deal with in-house counsel for another company, a lawyer exclusively focuses on the benefits to be gained by her own company, while ignoring the *mutual* benefits that should encourage the other side to close the deal.

Selecting the Right Theme – Examples

- Or in a private session with a mediator, a lawyer complains at length that the other side has been “unfair” and has acted in “bad faith,” without giving the mediator enough background information about the transaction and relevant contract provisions to convince the mediator that the lawyer is right.

Selecting the Right Theme – Examples

- Remember that the business dynamics of a transaction will change over the life cycle of that transaction—from pre-closing negotiations to contract drafting to post-closing obligations to post-closing disputes.
- Make sure that your written instruments are drafted with enough flexibility and detail to support a range of themes during the entire life cycle of a transaction.

LANGUAGE

“[T]he most valuable of all talents [is] that of never using two words when one word will do.”

- Thomas Jefferson

“Substitute ‘damn’ every time you’re inclined to write ‘very.’ Your editor will delete it and the writing will be just as it should be.”

- Mark Twain

Or as a trial lawyer might say ...

Words matter.

Why does language matter?

- Regardless of context or form—informal or formal, oral or written—we tell our stories with words.
- Choosing the right words, and using them well, makes the difference between a compelling story and a tedious or confusing one.
- Yet, as many judges, law professors and other legal commentators have observed, it is remarkable how many lawyers pay little attention to good writing and good speech.

Rule No. 1: Be Concise

- Writing too much and saying too much are the mortal sins of lawyers.
- Needless words confuse and frustrate an audience.
- Every word, sentence and paragraph should have a job to do.
- Warren Buffett is famous for his annual investor statements. Warren's sentences contain an average of 13.5 words, and his words contain an average of 4.9 letters.

Be Like Warren



Rule No. 2: Avoid the Passive Voice

- Some lawyers are attracted to the passive voice because they think it sounds more authoritative or Olympian: “The decision was handed down by the court.”
- More frequently, though, the passive voice makes writing seem evasive, wordy and drab.
- “Mistakes were made.” “The filing deadline was missed.” “Employees were laid off.”
- The active voice usually produces better writing. It makes sentences clearer and less complicated.

“The reports of my death are greatly exaggerated.”

- Mark Twain

Rule No. 3: Avoid Jargon and Buzzwords

- Some business people are especially susceptible to writing and talking like this:
“**G**oing **f**orward, we need to **l**everage our resources to achieve greater capacity in our IT **s**pace, even though we now have **l**imited **b**andwidth to **i**mpact the problem.”
- Instead of this:
“We need more IT employees.”
- Jargon and buzzwords are infectious, especially among professionals who share a common business environment.
- The excessive use of such words risks confusing an audience that is not familiar with them. Even among those “in the know,” jargon and buzzwords can be ambiguous and vague.
- More dangerously, jargon and buzzwords promote lazy thinking and writing. It is often easier to reach for a well-worn phrase than to think carefully about a better one.

Rule No. 4: Avoid Excessive Use of Adverbs

- The excessive use of adverbs produces writing that is cluttered and unclear.
- As Mark Twain recognized, “very” is one adverb that is frequently overused. Delete “very” or select a different word entirely.
- For example, instead of saying “it’s a very cold day,” say “it’s a frigid day.”

Rule No. 4: Avoid Excessive Use of Adverbs

- Many lawyers are particularly fond of adverbs, especially when writing to an adversary:
 - “We **vigorously** disagree with your position.”
 - “We **forcefully** deny your claims.”
 - “Your arguments are **absolutely** without merit.”
- These adverbs don’t lend any forensic strength to the writer’s position. Instead, they generally make the writer seem both defensive and lazy.
- A more effective writer would take the time to marshal all of the facts and arguments that rebut her adversary’s position, then conclude the catalog with: “For all of these reasons, we disagree with your position.”

Rule No. 5: Take Time to Edit and Rewrite

- Even when you have little time to spare on a writing project, you should always reserve time to edit and rewrite.
- Editing removes simple mistakes and obvious errors that make our writing seem sloppy and our position unsound.
- Editing also gives us the opportunity to eliminate unnecessary sentences, tighten paragraphs, and reconsider the broader structure and scope of what we have written.
- You should consider asking a member of your business team to review your work to make sure it is consistent with the team’s business strategy and goals.

STYLE

“People need a narrative, and if there isn’t one on offer,
they make one up.”

- Jean Hanff Korelitz

“If one is lucky, a solitary fantasy can totally transform one
million realities.”

- Maya Angelou

Or as a trial lawyer might say ...

Tell a good story before someone else does.

Elements of a Good Story

A receptive **audience**

A coherent, compelling **theme**

Clear, persuasive **language**

A good **storyteller**

What makes a good storyteller?

- Good storytelling depends on **effective delivery**.
- If the story is written, a lawyer's effective delivery is almost entirely a function of theme and language.
- If the story is oral, a lawyer has some more work to do.

What makes a good storyteller?

- TV and the movies frequently portray the most effective storytelling by lawyers as highly dramatic and emotional.
- But that kind of storytelling often comes across as bombastic and over the top, especially in a transactional context.
- What often matters most in that context are **clarity**, **conciseness** and **momentum**.

What makes a good storyteller?

- Consider Joe Miller's closing argument in *Philadelphia*.
- Joe doesn't try to convince the jury with bombast, hyperbolic language or intense emotion.
- Instead, he lets the force of his observations speak for themselves, and he follows three of the most important rules of good storytelling.

What makes a good storyteller?

- First, his story is **concise**. Each word and sentence has its place. Each follows naturally upon the other.
- Second, Joe's language is **clear** and easily understandable. There is no jargon or obscure language.
- Third, Joe's delivery has some **drama** to it. He pauses appropriately, speeds up a bit from time to time, and raises his voice a bit at the end, all of which give his story pace and life.

What makes a good storyteller?

- Joe also does some things in his closing argument that are not critical for storytellers who are not lawyers, but are critical for us.
- Joe **acknowledges** the strength of the other side's arguments and **expresses respect** for the other side's position.

What makes a good storyteller?

- In many legal contexts, but especially when telling a “transactional story,” it is important for a lawyer to understand and acknowledge the other side's story, even if she disagrees with it.
- Otherwise, the lawyer will lose her audience.
- Consider, for example, a contract negotiation or a discussion over a post-closing obligation in which one lawyer completely ignores the other side's arguments.

CONCLUSION

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Stephen Cox represents business clients in the litigation and arbitration of complex commercial matters, focusing on construction, employment and corporate governance disputes. Admitted to practice in North and South Carolina, he has represented parties in numerous class actions and derivative actions and has significant experience in both states' business courts. Stephen has appeared before the U.S. Court of Appeals for the Fourth Circuit and the U.S. Supreme Court. He has handled numerous arbitrations before JAMS, the American Arbitration Association and the Financial Industry Regulatory Authority, and he regularly serves as an arbitrator and mediator himself.

Stephen represented a national chemical supplier in a case of first impression in North Carolina involving the application of the UCC's "good faith" pricing standard to a multimillion-dollar chemical requirements contract. He was also on a Robinson Bradshaw team engaged to defend an international shipping firm in an action where the trial court had already certified a class seeking over \$100 million in damages and denied summary judgment. Stephen and the firm's lawyers successfully petitioned for decertification of the class—a decision that led to the end of the litigation.

Stephen serves on Robinson Bradshaw's board of directors.

Practice Areas

Alternative Dispute Resolution
Appeals
Class Actions
Construction
Consumer Lending Litigation
Corporate and Securities Litigation
Employment and Labor
Fiduciary Litigation
Government Relations
Health Care
Litigation
Mass Tort and Product Liability
North Carolina Business Court

Bar Admissions

North Carolina
South Carolina

Education

Harvard Law School, J.D., cum laude, 1996
Harvard College, A.B., summa cum laude, 1993, Phi Beta Kappa

Clerkships

- Law Clerk, The Honorable R. Markley Dennis Jr., South Carolina Circuit Court, 1996-97

Professional Affiliations

- South Carolina Bar, House of Delegates, 2014-19; Board of Governors, 2016-19
- South Carolina Bar, Law-Related Education Committee, 1998-present; Chairman, 2012-14
- York County Bar, President, 2003-04; Vice President, 2001-02
- Piedmont Citizens Committee on Judicial Qualifications, Chairman, 2013-present

Community Affiliations

- South Carolina Education and Economic Development Coordinating Council, Gubernatorial Appointee and Chairman, 2017-present
- South Carolina Chamber of Commerce, Education and Workforce Development Committee, Chairman, 2015-18; Board of Directors, 2015-18
- Pilgrim's Inn, Board of Directors, 1999-2016; President, 2003-16
- South Carolina Governor's School for the Arts Foundation, 2015-present; Vice-Chair, 2017-18; Chair, 2018-19
- Liberty Fellowship, Class of 2009

Honors & Awards

- The Best Lawyers in America, banking and finance, commercial litigation, construction, employment - management, real estate, 2009-23
- Benchmark Litigation, Litigation Star, 2015-23; Labor & Employment Star, 2019-21
- Business North Carolina, Legal Elite, construction, 2005, 2022
- South Carolina Super Lawyers, business litigation, 2013-19
- South Carolina Bar, Pro Bono Service Award, 2004; Law Related Education Lawyer of the Year, 2000
- Martindale-Hubbell, AV® Preeminent™ Peer Review Rated



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Rob Harrington litigates complex business disputes. He represents corporate clients in a broad range of contract, trade practice and other business matters. Rob has served as lead counsel in cases in various jurisdictions, including the North Carolina Business Court and other state and federal courts in North Carolina, South Carolina, Virginia, Georgia, Mississippi and Louisiana. He has represented and counseled clients in litigation and business matters across various industries, including financial services, manufacturing, agribusiness, telecommunications, sports and entertainment, health care and education.

Rob co-chairs the firm's Litigation Department. He served as president of the Mecklenburg County Bar, was appointed by the Chief Justice of the North Carolina Supreme Court to the North Carolina Commission on the Administration of Law and Justice, and served as a member of the board of governors of the North Carolina Bar Association. For his professional work and civic engagement, North Carolina Lawyers Weekly recognized Rob as Lawyer of the Year in 2017 and Business North Carolina included him in its Power lists for 2020, 2021 and 2022 and its inaugural Dynamic Diversity list in 2021.

Clerkships

- Law Clerk, The Honorable Martin L.C. Feldman, U.S. District Court, Eastern District of Louisiana, 1987-88

Practice Areas

Antitrust and Competition
Appeals
Class Actions
Consumer Lending Litigation
Fiduciary Litigation
Government Litigation
Government Relations
Litigation
Mass Tort and Product Liability
Nonprofit Organizations and Foundations
North Carolina Business Court

Bar Admissions

North Carolina
District of Columbia
Louisiana

Education

Duke University, J.D., with high honors, 1987; Notes Editor, Alaska Law Review, 1986-87
Duke University, B.A., magna cum laude, 1984, Angier B. Duke Memorial Scholar

Professional Affiliations

- Mecklenburg County Bar, President, 2012-13; Diversity and Inclusion Committee, Founding Co-Chair, 2004-05
- North Carolina Commission on the Administration of Law and Justice, Civil Justice Committee, 2015-16
- North Carolina Bar Association, Board of Governors, and North Carolina Bar Foundation, Board of Directors, 2017-20
- North Carolina Bar Foundation, Endowment Committee, 2020-present
- North Carolina Bar Association, Task Force on Integration, Equity and Equal Justice, Chair, 2020-present
- American Law Institute, Life Member, 2020-present; Elected Member, 1995-20; Restatement of the Law (Third) Agency, Advisor, 1997-2002
- Duke Law School, Board of Visitors, 2006-present
- Lawyers' Committee for Civil Rights Under Law, Board of Directors, 1997-present; Co-Chair, 2005-07
- Legal Aid of North Carolina, Board of Directors, 2013-19
- U.S District Court for the Western District of North Carolina, Merit Selection Panel, 2016-17
- North Carolina Business Court, Advisory Rules Committee, 2015-16
- American Bar Foundation Life Fellow
- Litigation Counsel of America Senior Fellow

Community Affiliations

- Charlotte Mecklenburg Library, Board of Trustees, 2013-present; Chair, 2018-20; Racial Equity Task Force, Chair, 2020-21; CommonSpark Campaign, Co-Chair
- Arts & Science Council of Charlotte/Mecklenburg, Board of Directors, 2012-20; Chair, 2017-18
- TreesCharlotte, Board of Directors, 2013-present; Vice Chair, 2021-present
- Young Black Leadership Alliance, Board of Directors, 2022-present
- University of North Carolina Press, Advancement Council, 2017-present
- The Greater Charlotte Cultural Trust, Board of Directors, 2008-12; 2013-17
- Levine Museum of the New South, Board of Directors, 2003-12; Chair, 2008-10

Honors & Awards

- North Carolina Lawyers Weekly, Lawyer of the Year, 2017
- Chambers USA: America's Leading Lawyers for Business, litigation, 2022

- The Best Lawyers in America, bet-the-company litigation, commercial litigation, litigation - banking and finance, 2010-23; Charlotte Litigation - Banking and Finance Lawyer of the Year, 2016, 2019
- North Carolina Super Lawyers, business litigation, 2006-22; Top 100 North Carolina Super Lawyer, 2016-22; Top 25 Charlotte Super Lawyer, 2016-22
- Business North Carolina, Power List, 2020-22
- Pride Magazine, Best of the Best, 2022
- Business North Carolina, Dynamic Diversity List, 2021
- The Charlotte Ledger, 40 Over 40 Awards, 2020
- The Mecklenburg Times Icons & Phenoms Awards, Icon, 2019
- Mecklenburg County Bar, Julius L. Chambers Diversity Champion Award, 2015
- Thurgood Marshall College Fund Award of Excellence, 2013
- Duke Law Alumni Association, Charles S. Murphy Award for Achievement in Public Service, 2012
- Uptown Magazine, Charlotte Catalyst Award, 2012
- North Carolina Bar Association, Citizen Lawyer Award, 2009
- Charlotte Business Journal, Diversity in Business Catalyst, 2004
- NAACP-National Office Pro Bono Legal Services Award, 1999
- Martindale-Hubbell, AV® Preeminent™ Peer Review Rated



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John Wester has spent his full legal career at Robinson Bradshaw, where he tries cases and argues appeals in complex civil litigation, prosecuting and defending cases in state and federal courts. He is a Fellow in the American College of Trial Lawyers.

Two of his cases have reached the United States Supreme Court. He argued for Ford Motor Company in the case establishing back pay rules for employment discrimination cases. In *Hyatt v. Shalala*, John was lead counsel for a class of 150,000 disabled North Carolinians in litigation that included five arguments to the U.S. Fourth Circuit Court of Appeals and a successful petition for *certiorari* to the Supreme Court. Near the conclusion of this 18-year litigation, the trial court observed: "Plaintiffs have succeeded in forcing the Social Security Administration to halt application of a secret, unlawful policy to its determination of hundreds of thousands of disability claims in North Carolina and, perhaps, to many hundreds of thousands more outside North Carolina. As a result of this case, plaintiffs have effected fundamental change to a recalcitrant agency which brought all of the power of the federal government to bear on Plaintiffs and their counsel while it resisted Plaintiffs' efforts to enforce the orders of this court each step of the way."

Practice Areas

Appeals
Class Actions
Corporate and Securities Litigation
Employment and Labor
Government Litigation
Government Relations
Intellectual Property and
Technology
Litigation
North Carolina Business Court
Sports and Entertainment

Bar Admissions

North Carolina

Education

Duke University, J.D., with high honors; Order of the Coif; Note and Comment Editor, Duke Law Journal
University of North Carolina at Chapel Hill, A.B.; John Motley Morehead Scholar

In partnership with Legal Aid, John and Robinson Bradshaw represented the disabled citizens *pro bono publico*, receiving the first national pro bono award in the history of the American Bar Association.

Outside his wheelhouse of business litigation, John has brought and defended cases advancing state and federal constitutional issues. He was lead counsel in a suit for Governor Patrick McCrory and former Governors James Hunt and James Martin against the N.C. General Assembly. In 2016, the N.C. Supreme Court ruled for the governors, striking down a series of laws as unconstitutional for violating separation of powers. In 2018, he was lead counsel for Governor Roy Cooper in a challenge to the General Assembly's proposed constitutional amendments that would have removed the governor's authority to fill judicial vacancies.

John attended the University of North Carolina as a Morehead Scholar before earning his law degree, with high honors, from Duke University. In 2017, the Duke Law Alumni Association recognized John with the Charles Rhyne Award for professional achievement. In 2009-10, John was president of the NC Bar Association.

In 2021, John received the Advocate's Award, the highest honor given by the North Carolina Bar Association's Litigation Section.

Professional Affiliations

- American College of Trial Lawyers, Fellow; Judicial Independence Committee, Chair, 2019-present; Task Force on Judicial Independence, Vice Chair, 2018-19; North Carolina Chair, 2004-06
- Chief Justice's Commission on Professionalism, 2014-18
- North Carolina Bar Association, Appellate Rules Committee, Chair, 2003-05; Committee for Judicial Independence, Co-chair, 2010-14
- Chief Justice's Commission on the North Carolina Business Court, Appellate Process Committee, Chair, 2002-04
- American Bar Foundation Fellow

Community Affiliations

- Legal Aid of North Carolina, Board of Directors, 2021-present
- Higher Education Works, Board of Directors, 2019-present
- Lynnwood Foundation, Board of Directors, 2007-present
- North Carolina Museum of History, Board of Directors, 2012-17
- Legal Aid of North Carolina and Legal Services of Southern Piedmont, Access to Justice Council, Chair, 2012-17

- Duke Law School, Board of Visitors, 2002-present
- University of North Carolina, Board of Visitors, 2004-08
- Mecklenburg County Bar, Board of Directors, 2006-09
- Legal Services of Southern Piedmont, Board of Directors, 1999-2005
- Arts & Science Council, Chair, 1988-89
- ArtsTeach, Inc., Chair, 2000-02

Honors & Awards

- North Carolina Bar Association, Advocate's Award, 2021
- North Carolina Bar Association, Citizen Lawyer Award, 2021
- North Carolina State Bar, John B. McMillan Distinguished Service Award, 2019
- North Carolina Lawyers Weekly, North Carolina Lawyers Hall of Fame, 2018
- Duke Law Alumni Association, Charles S. Rhyne Award for Professional Achievement, 2017
- Legal Aid of North Carolina, Legal Services of Southern Piedmont and Council for Children's Rights, Distinguished Pro Bono Service Award, 2016
- Chambers USA: America's Leading Lawyers for Business, commercial litigation, 2003-22; labor & employment, 2005-16
- The Best Lawyers in America, bet-the-company litigation, appellate practice, commercial litigation, litigation - intellectual property, litigation - labor and employment law, litigation - mergers and acquisitions, litigation - securities, 1993-2023
 - Charlotte Litigation - Securities Lawyer of the Year, 2019
 - Charlotte Litigation - Labor & Employment Lawyer of the Year, 2012, 2013, 2018
 - Charlotte Appellate Practice Lawyer of the Year, 2012, 2015
 - Charlotte Litigation - Mergers & Acquisitions Lawyer of the Year, 2013, 2014
 - Charlotte Bet-the-Company Litigation Lawyer of the Year, 2011
- North Carolina Super Lawyers, business litigation, 2006-22; Top 10 North Carolina Super Lawyer, 2009-13, 2015; Top 25 Charlotte Super Lawyer, 2013-22
- Benchmark Litigation, Litigation Star, general commercial, labor and employment, intellectual property, securities, antitrust, product liability, 2012-23
- Business North Carolina, Legal Elite, litigation, 2007-08, 2011, 2013-15, 2019; appellate, 2018-19, 2021-22; employment, 2020-21
- North Carolina Pro Bono Honor Society, 2021