Wise and Trusted Counsel

by DeWitt F. McCarley, IMLA President



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In my 33 years of local government practice, I've been fortunate to have had excellent mentors. The dictionary defines "mentor" as a wise and trusted counselor or teacher. Many people have filled that role for me over the years — too many to name them all— but three stand out: Ernie Ball, Henry Underhill and Bill Thornton.

Ernie Ball was the General Counsel of the North Carolina League of Municipalities when I was hired onto the legal staff in 1977. Ernie was a straight-shooter who had lobbied one side or the other on most of the laws that affect municipalities in North Carolina. As a result, a discussion with him about a legal issue usually included the phrase "what I meant when I wrote that was ...". The value of working with Ernie wasn't in the details of what he knew, it was in the role model of how to be a persuasive and respected lobbyist, and how to get along with local elected officials and state legislators.

As a professional, Ernie had a way of establishing and holding his ground with people who had power. He did it in a way that was easy and comfortable and didn't invite confrontation — unless of course, he was ready for it and knew he could win. He built his reputation with the people he dealt with one brick at a time. He was able to use his sense of humor and his disarming directness to persuade others, to lead a team or to deflate an opponent. It was a natural style that worked for him, and taught me that being yourself, while standing your ground, could be an effective approach in local government.

Henry Underhill (President of IMLA in 1983, General Counsel and Executive Director of IMLA from 1994 to 2006, and the Charles S. Rhyne Award winner in 2006) was the City Attorney of Charlotte, North Carolina from 1968 to 1994. Starting in 1977, I was at the League and then was city attorney in a community of about 50,000 in eastern North Carolina. A half-time secretary and I were the entire legal staff for the City, and I frequently needed help and advice. I had met Henry when I worked at the State League and started calling him for advice or information on municipal law when I got that first job as a city attorney. Henry always took my call, and I quickly learned that, although just about any local government attorney could give me information on a legal topic, none were as thoughtful and articulate as Henry on the role of the city attorney. What I got from Henry was not just what to say, but how to say it. From Henry I learned the art and science of dealing with my own bosses.

Henry had wise advice on how to handle the situation when I had made one of them mad, or was working on an issue where they were split: when the mayor was headed in one direction and the council was headed in the other. These are situations we all face, but ones that nobody ever told us about in law school. Henry was the master at understanding council members and working with them effectively. I survived as a young lawyer in a one-lawyer city attorney's office only because Henry always took my calls.

Bill Thornton (Durham, N.C., City Attorney 1972 to1997, IMLA President in 1991, and the Charles S. Rhyne Award winner in 1997) was truly a gentleman scholar. We jokingly use that phrase these days, but Bill genuinely was both. He was one of the smartest attorneys I've ever known, and he approached municipal law as a scholarly discipline. Many of you will remember Bill as the long-time program chair of the IMLA Institute for Local Government Lawyers. He was also a volunteer adjunct faculty member at the U.N.C. School of Government after he retired as the Durham City Attorney. Bill valued education, continued learning, and a precise and intelligent response to a question. He was inquisitive, thorough, dedicated to excellence and a lawyer who truly took joy in solving a complex legal problem and sharing the answer with others. He was also the epitome of integrity — whenever I had an ethics question, Bill was my first call. From Bill, I learned to value our craft and to treat the job of city attorney as one of public trust. Bill set an example of dignity, honor, integrity and public service. His death in 2008 was a sad moment for all who knew him.

All of these men taught me valuable lessons about my chosen profession — how to be successful as a city attorney and, more importantly, how to be true to myself in the process. Because Henry and Bill were in cities some distance from me, some of my best face-to-face time with them was at IMLA meetings. I've had some absolutely wonderful dinners in restaurants all over the country with Henry, as he and I would always scout out a great restaurant in the Annual Conference host cities.

That's the value of IMLA to me — the opportunity to spend time with folks like Henry and Bill, and with many of you reading this column. The advice, the friendships, the funny stories, and the shared experiences are what have made IMLA an essential part of my career. I wouldn't trade the time spent with you, my colleagues, at IMLA Conferences and Seminars for anything. "Wise and trusted counsel"— I think that sums it up well.

I look forward to seeing you in New Orleans for our 75th Annual Conference, October 10 to 13.