



# THE MIDDLE GROUND

Federal Bar Association - Middle District of North Carolina Chapter

Volume 8, Issue 1 – May 2018

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U.S. Magistrate Judge, M.D.N.C.

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## President's Message

*By The Honorable Joi Elizabeth Peake  
U.S. Magistrate Judge, M.D.N.C.*

Greetings, federal practitioners in the Middle District of North Carolina! I am pleased to be serving as President of our local Federal Bar Association Chapter this year. As always, the focus of this FBA Chapter is to foster the collegiality and professionalism that have long distinguished our district and provide a forum for CLE programs and other services for federal practitioners. Consistent with that mission, the chapter is pleased to present a Spring CLE that features the Middle District's new United States Attorney, Matthew G.T. Martin, as our lunch speaker. Hopefully, this event will provide an opportunity for federal practitioners across the District to come meet the U.S. Attorney and hear from him about his background and his priorities for his office. The event will also include a CLE Program with Professor Barilla that should be interesting to both civil and criminal attorneys. All federal practitioners in the District are invited to all FBA events, and the Spring Luncheon should provide a good opportunity to hear from the new United States Attorney, socialize with fellow attorneys, and (pending Bar approval) get an extra hour of CLE.

Our chapter also continues to support the civics initiative launched by the FBA at the national level in coordination with the Administrative Office of the Courts. Nationally, over 10,000 students met with judges last year and participated in various events as part of civics programs in federal courts across the country. In the Middle District, the Court has established a Civics Initiative that has grown tremendously and has now reached over 700 local students. Most of those students participated in class visits to the federal courthouse in Winston-Salem or Greensboro. You can check out the details in Laura Dildine's update from the Court in this newsletter. The FBA can support the Court's Civics Initiative by spreading the word. If you know a teacher who might like to bring a class to the federal courthouse to participate in this type of program, please let him or her know about the Court's Civics Initiative!

*(continued on p. 2)*

*Editors' Note: A registration form for the May 10 CLE is attached to this newsletter. Please return it to Eric Placke no later than May 4.*

## **President's Message (continued from page 1)**

*By The Honorable Joi Elizabeth Peake*

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In addition, consider trying out the programs yourself. You can go visit a classroom and walk the students through a civil or criminal exercise that lets them play various roles using landmark Supreme Court cases as the framework. The programs are available on the FBA website and on the Middle District Court's website, require only 30 minutes of preparation, and are designed to facilitate discussion about the judicial system and the role of the courts.

As another option for encouraging civic engagement, consider bringing friends or family with you to a Naturalization Ceremony. These events provide a great opportunity to visit the courthouse, see a federal court proceeding, and be a part of an important occasion as we welcome new citizens. The Naturalization Ceremonies are open to the public and are held four times a year in Courtroom 3 in Greensboro, with a District Judge presiding. For 2018, the Naturalization Ceremonies are scheduled for May 25, August 24, and November 16 at 11:00 a.m.

In whatever way appeals to you, I hope you will consider getting involved in these or other civics initiatives to help students (and adults) better understand the important role of the courts in our system of government. If there is anything the FBA can do to help you with those efforts, please reach out to me or to Stephen Inman, who has been serving as our civics liaison, and we will work with you to help or to connect you with someone who can. ■

## **Editor's Note**

*By Jamie Dean*

*Womble Bond Dickinson (US) LLP*

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Typically, the composition of *The Middle Ground* newsletter is a product of the interests of those who are gracious enough to submit articles, with little concern for continuity or thematic consistency. But, by no design of the newsletter's editors, this edition is woven throughout with an unmistakable call to public service. Profiles of United States Attorney Matt Martin and United States Probation Officer Victor Adegun, both of whom came to their posts from unlikely circumstances, highlight how that call can lead to life-changing decisions. Magistrate Judge Joi Peake's message and Laura Dildine's piece about the MDNC Civics Initiative show how even relatively small commitments of time by individual attorneys combine to make a significant impact on our community. And updates on the Court's ongoing business show the hard work that our Judges, Magistrate Judges, clerks, and staff members are doing daily to serve our District. I hope that this newsletter will give readers a renewed sense of pride in our District and the good work being done here and, equally as important, inspire each of us to greater service. ■

## **Call for Articles – Fall Issue of *The Middle Ground***

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The Chapter is seeking articles suitable for publication in the fall edition of this newsletter. Articles can address any topic of interest to federal practitioners, and the author need not be a Federal Bar Association member. We appreciate perspectives from a variety of practice areas and years of experience.

If you are interested in contributing an article for the fall newsletter, please email: [Jamie.dean@wbd-us.com](mailto:Jamie.dean@wbd-us.com) or [cassie.crawford@nelsonmullins.com](mailto:cassie.crawford@nelsonmullins.com). ■

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Please return it to Eric Placke no later than May 4.*

## Led to Lead: United States Attorney Matthew Martin and His Non-Traditional Path to Public Service

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United States Attorney Matthew “Matt” Martin did not follow a predictable path to his current post as the Middle District’s top prosecutor. Yet, the bread crumbs that eventually led Martin to the U.S. Attorney’s Office were placed long before he considered a career in public service or even chose to be an attorney. Growing up in the mountains of western North Carolina, Martin had many examples of service-minded attorneys who supported his small town community. The positive impression left by those men and women stayed with him across the years as he built a successful civil practice at a prominent North Carolina law firm and later went in-house to oversee litigation for a Fortune 500 company. And, during 2016, those early life examples provided models for Martin to follow when he decided to leave private practice altogether.

Ironically, an occupation in law was not Martin’s first choice. He initially intended to be an engineer or architect and began college with that goal in mind.

“Unfortunately, I learned that I was exceptional at neither science nor math,” Martin jokes. Instead, he decided to pursue law: a profession in which he could use his education and analytical ability to help others.

After graduating from the University of North Carolina Law School, Martin entered civil practice in the D.C. office of Covington and Burling.

“My wife and I had a great time in D.C., and working at a place like Covington presented unique and interesting opportunities,” Martin recalls. “But after two years, the home fires were burning brightly for both my wife and me.”

Thus, the couple left the “big city” and returned to the Tar Heel State where Martin began a diverse civil practice with Smith Anderson in Raleigh. More important to Martin, he and his wife also started a family, which now includes four children ages five to twelve.

At Smith Anderson, Martin says he “tried to buck the trend of too much specialization,” which he noted can be difficult in a large firm setting. Martin worked on matters ranging from complex construction litigation to contract disputes to intellectual property and technology cases. He enjoyed not only the intellectual diversity of the work but the opportunity it presented him to interact with a broad cross section of attorneys.

Martin excelled in his practice, eventually rising to partner. However, in early 2013, Martin’s career took an unexpected turn when Martin, who says he enjoyed civil practice and never aspired to be in-house counsel, was presented with an offer to do just that. Duke Power and Progress Energy had just merged, and there was a need for someone to come in-house and assist with litigation. Martin was offered the job and ultimately decided to join Duke Energy as Associate General Counsel.

As it turns out, this unanticipated opportunity proved to be fortuitous, because Martin believes four years in-house made him better equipped for his work as U.S. Attorney than he might have been had he remained in a law firm setting.

“I’ve seen a lot of cross-over between what I had been doing at Duke Energy and what I’m doing as U.S. Attorney,” he says. For example, Martin notes that both roles involve representing a single client, accountability to a key executive, responsibility for a high volume and variety of cases, and a mix of working directly on cases and overseeing work by other attorneys on many more.



Photo Credit: M.D.N.C. U.S. Attorney’s Office

In late 2016, Martin felt the quickening of a call to public service he had always carried. He spoke with close friends and advisors and evaluated his opportunities, eventually deciding to seek appointment as U.S. Attorney. After a lengthy but otherwise uneventful confirmation process, Martin was sworn in on January 3, 2018.

As Martin describes his new role, his humility and deep respect for the Office and the Middle District are clear. He is quick to praise the Court, in particular, for the quality and character of its Judges.

“The Middle District has a very strong bench,” he says. “The Judges are very mindful of their role to faithfully call balls and strikes and they take that responsibility seriously.”

Martin also praises the professionalism of the Middle District bar and the relationship between the bench and bar that is marked by mutual respect.

“Some of that reflects the culture of the Middle District as a whole,” he explains. “The Piedmont has a hard working culture that is based on traditional American values of hard work, tolerance, and respect for the individual. That is reflected in how most lawyers here go about their business with the Court.”

Martin has used his first few months in office to meet various stakeholders and dive into his Office’s current cases. Support from the Court and his Office have made the transition a positive one.

“I have been very pleased with the warm reception and comradery in the office itself,” he says. “The Assistant U.S. Attorneys, staff, and administrative staff are tremendous, quality people . . . The Office is an all for one, one for all kind of place.”

In addition to immersing himself in his new role, Martin has used the beginning of his tenure to set five priorities for the Middle District that reflect objectives established by the United States Attorney General. Those priorities include (1) reducing violent crime, (2) attacking exploitation, including exploitation via child pornography, sex and labor trafficking, and sexual harassment in housing, (3) impacting the opioid crisis, (4) enhancing law enforcement relationships, and (5) addressing fraud on the government.

“Priorities one, two, three, and five are prosecution priorities,” Martin explains. “There certainly are elements of outreach associated with those priorities, but they require prosecutorial and investigatory resources to make an impact.”

Priority four, enhance law enforcement relationships, is more about outreach and training.

“The Attorney General has made it a point to dignify work that our law enforcement and public servants are doing,” says Martin. “I want to dignify the work of those who have pledged their lives to protect and serve our community. It is a noble calling.”

As impressive as Martin’s professional achievements are, perhaps more impressive is the way in which he has been able to remain grounded. Martin’s sincere, unassuming manner gives the impression that, while he treats his job and its responsibilities with solemnity, he does not take himself too seriously. For example, when discussing his childhood, Martin jokes that he and his brother (North Carolina Supreme Court Chief Justice Mark Martin) were the “dumb ones in the family” when compared to their two sisters, who pursued careers in surgery and veterinary medicine, respectively. And when asked whether his own children appreciate the significance of his new position, Martin’s answers show that, to his kids, his most important roles are as dad and sometimes sports coach. But when it comes to discussing his Office and its mission, Martin’s conviction, reverence, and driving sense of purpose are clear. One cannot hear that conviction without concluding that, while the U.S. Attorney’s office might not be where Martin always expected to find himself, it is exactly where he belongs. ■

## Clerk's Corner: An Update from the Clerk of Court for the United States District Court for the Middle District of North Carolina

By John S. Brubaker

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Greetings to all. Please find the following suggestions and updates from the Clerk's Office for the Middle District of North Carolina.

**Retirement of Judge James A. Beaty, Jr.** Judge Beaty retired from the court on January 31, 2018 after serving as a U.S. District Judge for over 23 years. Further information can be seen on a [January 30, 2018 Press Release](#).

**Local Rule Changes.** Effective April 1, 2018, changes were made to the rules governing mediation, including (1) updates to reflect current practices, (2) revised allocation of costs when there are more than two parties to a case, (3) procedures to petition the Court when fees are not paid, (4) the addition of judicial experience for mediator certification, and (5) duties of governmental entities and insurance carriers at mediated settlement conferences. Effective April 16, 2018, new Local Criminal Rule 16.2 applies to criminal discovery. Please refer to the Court's [Local Rules and Orders](#)

[page](#) for further information and a listing of all recent rule updates.

**The Criminal Justice Act Panel Application Period is Open.** If you are interested in participating on the CJA Panel, please submit your [application](#) by July 16, 2018. Current panel attorneys with terms ending December 31, 2018 must reapply to remain on the panel. The Middle District of North Carolina is an equal opportunity employer and encourages all qualified lawyers interested in being a member of the CJA Panel to apply.

**Courtesy Copies for the Court.** When filing documents with the Court, please refer to the [Judicial Preferences Summary](#) page to determine whether paper copies of the documents should be submitted to the Clerk's Office. Failure to timely submit courtesy copies could result in delayed referral of matters from the Clerk's Office to the Judges.■

## What do Clarence Gideon, 18 U.S.C. § 3553(a), and Ernesto Miranda Have in Common?

By Laura J. Dildine

*Career Law Clerk to the Honorable N. Carlton Tilley, Jr. (and Former Civics Teacher)*

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The M.D.N.C. Civics Initiative! Recently, students performed dramatic readings as characters from the story of Clarence Gideon while talking with public defenders about their work. Over the past school year, students have advocated at mock sentencing hearings for sentences that were sufficient, but not greater than necessary, to comply with the purposes of 18 U.S.C. § 3553(a). They have argued at mock suppression hearings about whether defendants were in custody at the time they made incriminating statements prior to receiving their Miranda warnings. And, they have observed mock initial appearance and arraignment hearings, learned about the rule of law, chatted with judges, delved into the first amendment, and learned about careers in the judiciary from judges, attorneys, probation officers, law enforcement officers, the Clerk, court reporters, case managers, and information technology staff.

Since March 2017 when we launched the initiative, nearly 700 students have participated by visiting our Greensboro and Winston-Salem courthouses or inviting us into their schools. Over 35 individuals have volunteered from judges' chambers, the Clerk's office, court security, the Federal Public Defender's office, the U.S. Attorney's office, the U.S. Marshals Service, and the U.S. Probation office.

But, our work is not done! We are committed to creating a sustainable initiative that provides value to teachers, students, and volunteers. To achieve this goal, we continue to spread the word. We have spoken at local bar meetings, presented to instructional leaders who are part of a regional educational consortium, participated in

professional development workdays for area middle and high school teachers, and hosted local administration social studies specialists. And, we are in the planning stages of a professional development seminar for local teachers.

The U.S. Courts is also expanding opportunities for student enrichment. Just recently, the U.S. Courts publicized yet another national initiative entitled Civil Discourse and Difficult Decisions, designed to “give[] young people experience practicing civility” while participating in realistic jury deliberations. In April, Financial Literacy Month, bankruptcy courts hosted programs “to foster greater awareness of the benefits of informed personal-finance planning and decision-making.” Annually, the Fourth Circuit Court of Appeals offers an essay contest for high school students.

If you would like to reach out to a school on your own to volunteer, visit <http://www.uscourts.gov/about-federal-courts/educational-resources> and <http://www.fedbar.org/Outreach/Civics.aspx> for ideas and program materials. You may also email Laura Dildine at [laura\\_dildine@ncmd.uscourts.gov](mailto:laura_dildine@ncmd.uscourts.gov) with any questions.■

## **Probation Officer Victor Adegun’s Luck Is the Middle District’s Win**

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Winning the lottery can be a life-changing event. That was certainly the case for Oladipupo Victor Adegun in 2009, even though his lucky draw led to some of the hardest work of his life. That is because Adegun’s lottery was not the Powerball or a scratch-off game, but the United States Immigrant Diversity Program (commonly called the “Green Card Lottery”), a random selection process overseen by the Department of State that pays out in opportunities rather than cash. Now Adegun lives and works in the Middle District where he pays his winnings forward every day through his work in the criminal justice system.

Adegun was born and raised in Nigeria with his three siblings. When he graduated from secondary school (the Nigerian equivalent to high school) in 2002, Adegun hoped to serve his community and help his family by one day becoming a lawyer. In Nigeria, that requires five years of undergraduate law course work followed by an additional year of law school.

To be permitted to study law, Adegun needed to score at least a 270 out of 300 on Nigeria’s common university entrance exam. He fell short, scoring only 220. That was good enough to allow Adegun to study English education, but not law, which threatened to derail his plan.

“Actually, I fell in love with English education and said I was not going to try to go to law school,” Adegun recalls. But his mother had different plans.

“My mother tricked me,” he says. “She told me that she needed me to come home from school. When I did, she told me that she had already paid for me to take the entrance exam again, so I was forced to take it.”

He did. And, without having had a chance to study, he scored a 275. After that, Adegun says he thought he must be destined to go to law school. Thus, despite that he was already three years into his English education studies, Adegun started over in the law program.

In 2009, Adegun was in his fifth year of his law course work, preparing to graduate and go on to law school. But, with the help of a friend who had immigrated to the United States, he decided to enter the Green Card Lottery. Under that program, each year the United States makes 50,000 immigrant visas available for distribution among individuals from countries that are underrepresented in United States immigration. That number might seem large, but in 2017, approximately 20,000,000 hopefuls applied for those visas. Lottery

winners are randomly selected and, following an interview process, enter the United States with a permanent green card. They are eligible to apply for citizenship after five years.

For Adegun, the decision to enter the lottery was based on his desire for a chance at a better future.

“Things are bad in Nigeria, economy wise,” he says. “Unfortunately for me, I came from a family that was poor. It was difficult for us to survive.”

In a way, Adegun saw immigrating to the United States as a bet on himself. “The likelihood that you get somewhere on merit is higher in the Western World than in Nigeria,” he says. “The average African wants to go to the Western World because we know that, if you are hard-working, your hard work, your tenacity, your focus will get you somewhere.”

In November of 2009, Adegun learned that he was one of the 0.25% of lottery entrants selected for a green card. Next followed one of the most difficult decisions of his life.

“Though I was one year away from being a lawyer, I knew the benefits [of immigrating] outweighed the risks,” he says.

So it was that Adegun chose to abandon his studies in Nigeria and start over in the United States. He settled in Chattanooga, Tennessee, the only place where he knew someone with space for him to live. Adegun hoped to go to college to study criminal justice, but he did not want to start school until he could pay for it.

“In Nigeria, you only take loans if you have exhausted every other avenue,” Adegun explains. “I refused to take loans for school.”

Instead, he worked . . . a lot. Adegun began at a gas station, a job he held throughout college and graduate school. When he had saved enough money, he purchased a car and began driving for Uber. When Adegun began attending the University of Tennessee at Chattanooga, he added work as a security officer, college library attendant, and soccer referee. During summers, he roofed houses. And after he completed courses each semester, Adegun spent the following semester tutoring other students on the material he had just learned—a practice he started while studying in Nigeria. Adegun’s hard work paid off. He graduated with a 4.0 G.P.A. and no debt.

After completing his undergraduate work, Adegun received a scholarship to stay at UTC to pursue his master’s degree in criminal justice. When he completed that program, professors encouraged him to seek a Ph.D., but Adegun wanted experience outside the white tower of academia.

“I had offers from Michigan State and Nebraska,” he recounts. “I turned them down because, to be a good professor or authority, I needed to have good field experience first.”

To gain this experience, Adegun went to work for the United States Probation Office for the Eastern District of Tennessee as a probation support technician. After a year in that position, Adegun decided to seek greater challenge by applying to become a probation officer.

“I applied for jobs in districts all around the United States,” he says. “I received three offers, but I decided to come to the Middle District. When I came here for my interview, the vibe was phenomenal. I felt like this was a place where I could feel at home.”

Adegun joined the Middle District's Probation Office as a Probation Officer on May 1, 2017. In that role, he is responsible for conducting pre-sentencing investigations and drafting pre-sentencing memoranda for the District Court Judges. His life experience and work have given him an empathetic perspective towards the men and women he researches.

"Many of the people I investigate have a great background and clean history, but they just make a mistake of a lifetime," he says.

Adegun also recalls examples from college and graduate school, when he worked at the Chattanooga gas station. "The young people I saw were good people, people with a good future and a lot going for them," he remembers. "But before you know it, they are making mistakes and finding themselves in the criminal justice system."

Stories like these compel Adegun to make a positive impact.

"I have a mission in the community to use my knowledge to help people live a better life," he says. "We all make mistakes, but once we make a mistake we don't have to keep making them."

In 2015, Adegun became a United States citizen. He hopes that his citizenship will provide a path for his family to join him in the United States. In the meantime, he stays busy with his work for the probation office and with his weekend job of refereeing soccer matches. His long-term plan includes either pursuing a Ph.D. or attending law school. Until those plans take him away, his lucky break is the Middle District's good fortune.■

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**We hope to see you all at the annual spring CLE event and luncheon on Thursday, May 10 at the Embassy Suites in Greensboro. Our featured speaker during the luncheon will be our new U.S. Attorney, Matt Martin. Following the luncheon, Antonette Barilla of Elon University will present one hour of CLE on "Negative Press and Social Media Commentary. A registration form is provided at the end of this newsletter.**

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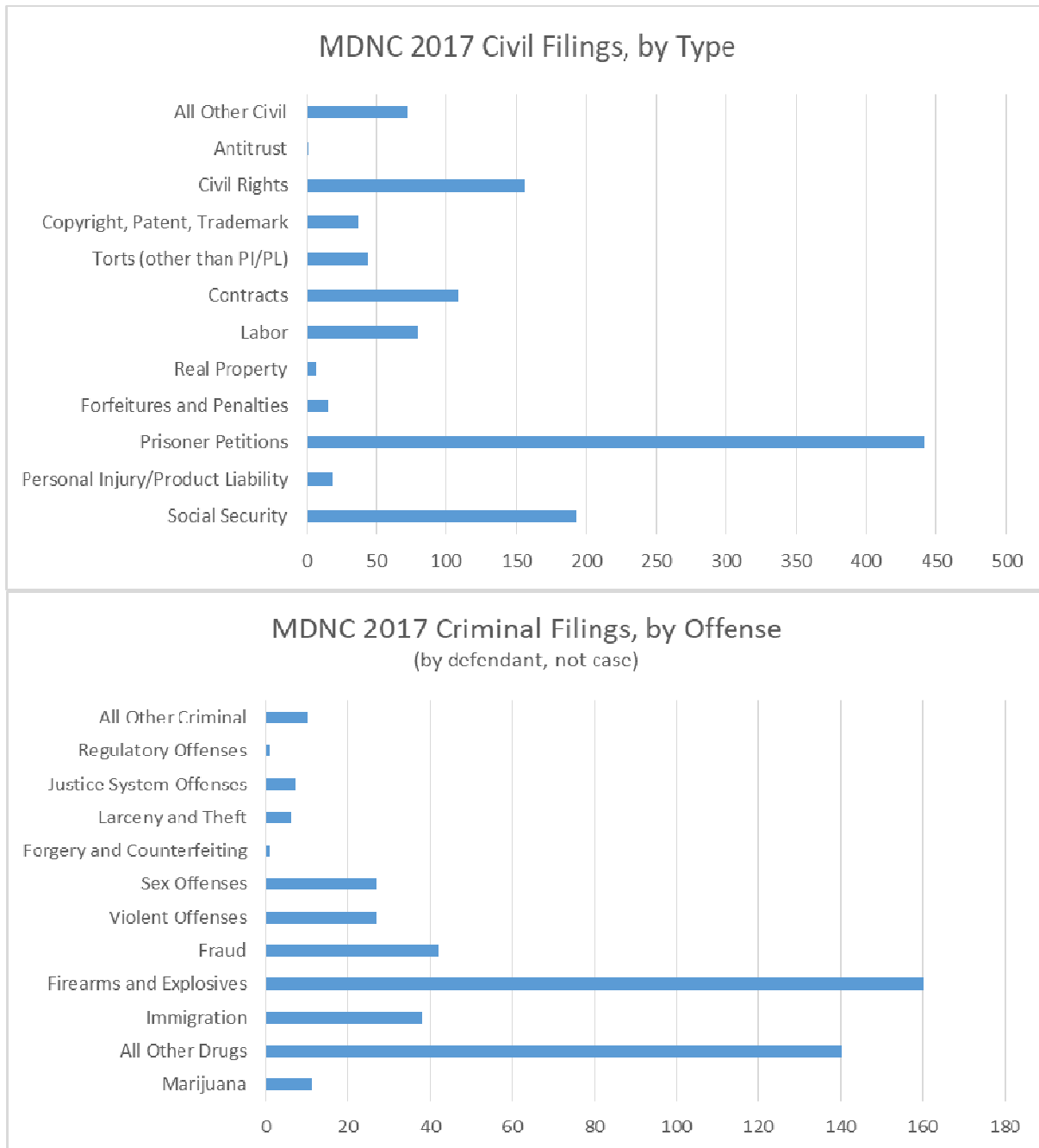
**Addendum from the Editorial Board:**

**M.D.N.C. Civil and Criminal Filings by Type, 12-month Period Ending December 31, 2017**

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The Administrative Office of U.S. Courts website provides a wealth of data for practitioners, ranging from the “six-month list” for civil motions to snapshots of case type and volume by District and Circuit. As an example, the charts below (derived from that data) provide an overview of the types of civil and criminal cases that predominate in our District. The underlying data is available at:

<http://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2017/12/31-1>



# Registration Form

Registration Deadline is Friday,  
May 4, 2017

FBA, MDNC Chapter  
c/o Eric Placke  
First Assistant Public Defender  
Middle District of North Carolina  
301 N. Elm St., Ste. 410  
Greensboro, NC 27401

**Conference Name:** 2018 Spring CLE and Lunch

**Conference Date:** Thursday, May 10, 2018

**Conference Time:** Registration 11:30 a.m.  
Lunch & CLE 12:00 noon

**Conference Location:** Embassy Suites, Greensboro

To register, please remit this form and payment by check, payable to "FBA MDNC Chapter," by mail to Eric Placke at the address above.

Attendee Information	
Name:	
Firm:	
Address:	
City, State, Zip:	
Email:	
Phone:	
State Bar Number:	

## Registration

Payment – Amount Enclosed (see below)

- Lunch and CLE: \$35

**Lunch Selection (choose one):**

- Chicken Marsala  
 Salmon  
 Vegetarian