

reprinted from

# greater charlotte <sup>W</sup>biz

pursuing a balance of business and life

[www.greatercharlottebiz.com](http://www.greatercharlottebiz.com)



## COMMON SENSE ISN'T COMMON

*James, McElroy & Diehl Applies  
Education and Practical Experience  
in Assessing the Big Picture*

(l to r)  
Gary S. Hemric  
Pender R. McElroy  
William K. (Bill) Diehl Jr.  
Partners  
James, McElroy & Diehl, P.A.

# COMMON SENSE *ISN'T* COMMON



*James, McElroy & Diehl  
Applies Education and  
Practical Experience in  
Assessing the Big Picture*

# JMD

“Common sense isn’t common.”

So said Will Rogers. And so touts the law firm of James, McElroy & Diehl.

To wit, their practice emphasizes practicality in using their legal education and experience in ways that makes sense for the client and the client’s objectives.

If you are a lawyer who’s just discovered your opposing counsel is James, McElroy & Diehl (JMD), you’ve got a pretty tall mountain to climb. While the firm is recognized for its talented and accomplished attorneys, it also has a near-legendary reputation for its commitment to hard work and loyalty to its clients.

Since JMD was established in 1959, Charlotte has sprouted office towers and welcomed sprawling national and regional law firms to accommodate its growing needs. Amidst the steel and flash, and arguably an excess

of starched collars—the firm has cultivated a fearsome reputation built on passion and expertise.

With 20 partners, 15 associates, and 3 attorneys serving of counsel, James, McElroy & Diehl is ranked in Charlotte as a mid-size firm. Initially founded as a business law practice, it has evolved into one of the most respected trial practice groups in the region. Its broad spectrum of legal expertise accommodates business law, family law, and civil as well as criminal litigation.

JMD lawyers have been recognized on many ‘best-of’ lists—including *North Carolina’s Super Lawyers*, *Business North Carolina’s Legal Elite*, and *The Best Lawyers in America*. Yet its partners pride themselves more on their reputation, their long-term relationships with clients, and the personal, holistic approach they have to providing superior legal representation and results.

As a result, JMD tends to attract talented young attorneys that are looking for something more than financial success and name recognition. They are a little more independent, and ready to dive into practicing as soon as they can. Most importantly, they come ready to listen and work extra hard, and to learn a thing or two from the firm's elder statesmen.

### COMMON SENSE APPROACH

James, McElroy & Diehl, P.A. was formalized in 1971 as a more current iteration of its predecessor, Herbert, James and Williams, co-founded by partner Henry James in 1959. After serving in the infantry during the Korean War, James graduated from the University of Virginia Law School and practiced law for two years before beginning his own firm with another young lawyer. James's timing was good—the city was growing, and his specialty was business, securities and commercial real estate.

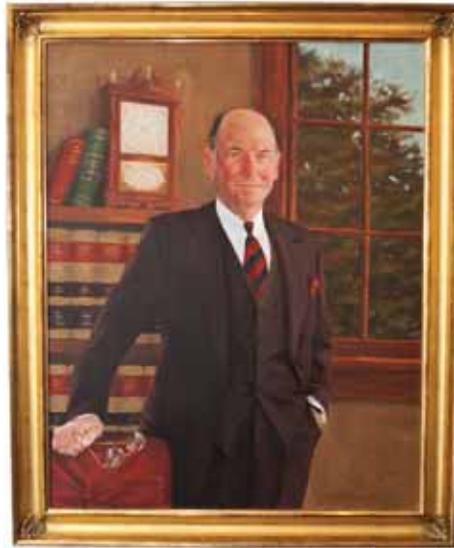
James, now retired and serving of counsel to the firm, was known for his ability to create genuine relationships. He was a natural businessman with a knack for making people feel like they and their business mattered.

In 1969, Pender McElroy joined the firm. McElroy grew up Marshall, N.C., close to Asheville, served in the U.S. Army as a Russian linguist and graduated from law school at the University of North Carolina at Chapel Hill in 1968. He served as a clerk under N.C. Supreme Court Justice William Bobbitt, and sought to practice business law in a small firm that he could play a role in growing.

A gentleman in a bow tie, McElroy says of the firm's founder, "Henry was gregarious, engaging, a great raconteur, bright and articulate, and a great rainmaker. He built real relationships with people. He also allowed me to be involved right away with the work he was doing—he let me swim by myself with no life preserver."

McElroy also says that the firm's commitment to common sense is what attracted and kept him with the firm. He explains, "As lawyers, we can read the same cases and legal encyclopedias, but how that translates into practical advice for the client will vary with the individual. Common sense takes into account the big picture to determine whether that means litigating, settling or otherwise. Often legal precedents are not what control the situation—what is best for the client controls the situation."

Attorney Bill Diehl also joined the firm in 1969. Diehl confesses to wandering into the idea of law school after graduating from the University of North Carolina, when draft deferments were ending for the Vietnam War.



Henry James, Co-founding Partner, Of Counsel

**"It has been a great downhill ride – it's been work, but it has never felt like a job. I feel so fortunate that my work has been and is something that I always want to do."**

~ Bill Diehl  
Partner



"I wasn't particularly interested in fighting. I wasn't going to go to Canada, and continuing school seemed like a good option," he recalls. The son of a newspaperman, Diehl was immersed in language from an early age, and had what he calls "a lurking notion that law could be a possible career."

Three years later Diehl had a law degree from the University of Virginia School of Law, but not much more in terms of direction until he met with Herbert, James

and Williams. Like McElroy, he got the chance to get immediately involved in the important work of the firm, and showed that he had a gift and a passion for trial law.

Diehl says the past 40 years since, has been a blur.

"It has been a great downhill ride—it's been work, but it has never felt like a job. I feel so fortunate that my work has been and is something that I always want to do."

It's no secret that Diehl's passion and willingness to take tough, high-profile court cases have won him considerable notoriety around town. From George Shinn to Gloria Pace King to Jeremy Mayfield—Diehl's cases have generated a lot of ink. He is also not above a little personal outrage. In 2008, Diehl publicly championed the rights of volunteers to serve food to the homeless on north Tryon Street, and represented Jerry Reese in 2006 in the fight against plans to use government bonds to build a baseball stadium in Third Ward.

But Diehl is unwilling to court the media at the expense of his clients.

"I don't believe in lawyers trying their case in the press. Lawyers don't make the best PR people. I would prefer to offer 'No comment' and tick somebody off than to give the other side something to cross examine us on."

Diehl's Sam Kinison resemblance and bleached-blond long hair, bluntness and stubborn loyalty to his clients may not have won him any popularity contests, but his legal finesse and hard work has—his courtroom record has been integral in the prominence of the firm.

### UNCOMMON COMMITMENT

If the dynamic balance of James' relationship-building, McElroy's business expertise, and Diehl's passion for litigation forms the backbone

of the firm, its life blood is certainly the work ethic. All of the partners ►



refer to hard work as the firm's mantra, and it is the distinguishing characteristic of the firm's culture.

Senior partner Gary Hemric has been with the firm 36 years, and trained under Diehl's prescription of hard work and diligence. The two of them have shaped the standard for the firm's litigation attorneys.

Hemric explains, "The definitive difference is hard work. I can't tell you the number of times we have worked all weekend on a brief, only to go to trial on Monday and have opposing counsel show up after a golf outing asking us to 'work things out.' I don't think so. Our concern is what's best for the client—not whether or not you like us."

Hemric is a civil litigator whose experience has centered on problem-solving for people in business disputes, including construction, personal injury, product liability, employment, professional negligence and medical malpractice matters. Hemric is sharp, quick-witted, plain-spoken and confesses to being "adversarial by nature."

The son of what he calls an "Atticus Fincht-type lawyer," he admired what his father's law practice brought to the lives of the people in Burlington, where he grew up. "My father was fair, he was respected, and the work he did built

---

**"The definitive difference is hard work. I can't tell you the number of times we have worked all weekend on a brief, only to go to trial on Monday, and have opposing counsel show up after a golf outing asking us to 'work things out.' I don't think so. Our concern is what's best for the client – not whether or not you like us."**

~ Gary Hemric  
Partner

---

## JMD

---

a lot of friendships—that was touching to me."

Hemric suited up as a trial lawyer and got immediately involved in litigation with Diehl. He says they travelled and worked night and day for years developing their art and sweating the details. "The hard work we put into finding and managing information has built the credibility of the firm over the years. When we walk into a courtroom, the judges know we have done our homework."

Hemric has also made a sterling name for himself as a mediator. Hemric pursued mediation 17 years ago as a pilot program when only six or seven North Carolina counties were using it. Since then, the need and demand for mediation has risen considerably. Since all state Superior Court cases must be mediated before going to trial, and more people are aware of alternative dispute resolution, many pursue a negotiated agreement without the financial and mental expense of a trial.

In addition to civil litigation and business law, the firm has several talented trial lawyers. Among them is partner Ed Hinson who has been with JMD since 1981 after working as assistant district attorney for Mecklenburg County. In his capacity as lead counsel for the state in a number of jury trials, he tried several capital murder prosecutions, embezzlements, rapes, armed robberies and other serious crimes.

Most recently *The Charlotte Observer* has been following Hinson's representation of Pastors Anthony and Harriet Jinwright in what has become a very public case of alleged tax evasion. In addition to white collar and criminal defense, Hinson maintains a heavy practice in complex civil litigation, primarily in the commercial and banking areas. Hinson is a member of the American College of Trial Lawyers, a small select group of litigators in the U.S.

As a rule, Hinson is very sensitive to the

privacy of his clients, and admits he is one of the more conservative members of the legal team. He joined the firm for its excellent reputation for trial law, and because he thought he could learn a lot from Bill Diehl.

"I haven't been disappointed," says Hinson.

## COMMON GROUND

The senior partners have a markedly diverse set of political and ideological backgrounds, not to mention very different personalities. Hemric says that this is true throughout the firm as well.

"I think that we have a microcosm of the world here. We encourage everyone to maintain their individuality and pursue the interests that appeal to them. We encourage our attorneys to do *pro bono* work and to be involved in the community, but it is their choice. We are open; we aren't afraid to call each other out, or to defend each other to extremes," he says.

But there are things that are non-negotiable. Among them: hard work, ethics, client interests first, straight-talk, and a sense of humor.

"We take our cases very seriously," says Hemric. "We try not to take ourselves so seriously, though."

The partners also share views on how the legal landscape has changed along with the economic and technological climate. McElroy says that in 40 years he has never seen a recession hit as hard this one.

Diehl says that even clients with impeccable payment histories are behind, and that many businesses have scaled back considerably: "It is clear that decisions are being made based on financial realities as opposed to what they might have done under different circumstances."

Technology has also shifted the practice of law in many ways. Hemric says that keeping juries uncontaminated is practically impossible.

"They won't tell you that they are going back to their hotel room and Googling things—but many are. Their sources are often more biased than newspapers, and they often make judgments on sound bites concerning aberrant verdicts. It can be disheartening," he points up.

But Diehl says there are positive sides to the technology picture, too.

"Our young lawyers can do in one hour what used to take me 10 hours in the library. Now they have better tools and new ways to use their talent."

He concludes with his characteristic (and charismatic) smile, "...And now they can work even harder." 

---

*This article was reprinted in whole or in part from Greater Charlotte Biz and may not be reproduced without the written permission of the publisher. ©2010 Galles Communications Group, Inc. All rights reserved.*

### James, McElroy & Diehl, P.A.

600 South College St., Ste. 3000

Charlotte, N.C. 28202

Phone: 704-372-9870

**Principals:** Pender R. McElroy, Managing Partner; William K. (Bill) Diehl Jr., Partner; Gary S. Hemric, Partner; Edward T. Hinson Jr., Partner

**Established:** 1959

**Personnel:** 20 partners, 15 associates, 3 of counsel

**Honors:** Numerous members of the firm have been selected as *2010 North Carolina Super Lawyers*, *2010 North Carolina Rising Stars*, *2010 Business North Carolina Legal Elite*, and *The Best Lawyers in America*

**Practice:** Full service law firm representing individuals and businesses in the areas of alternative dispute resolution, appellate advocacy, automotive / dealer advocacy, bankruptcy, business, civil litigation, criminal, domestic, estates, labor & employment, real property, securities and tax.

[www.jmdlaw.com](http://www.jmdlaw.com)

