

The Resource

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The Life of a Trial Lawyer – Lessons Learned **A Profile of James D. Blount, Jr.** By Toby Coleman

In his 60 years of practice, James D. Blount, Jr. has earned a reputation as a formidable trial attorney. A partner in the Raleigh firm Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, Blount is one of the senior lions of the defense bar. He has been inducted into the North Carolina Bar Association General Practice Hall of Fame. A charter member of the NCADA, Blount received the NCADA's Award for Professional Excellence in 2005. In 2008, he received a lifetime achievement award from the Eastern North Carolina Chapter of the American Board of Trial Advocates.

Blount remains in active practice. He has taken on a senior role at Smith Anderson, where he continues to practice in the firm's medical malpractice group. The experience and knowledge he has gained during his career as a trial lawyer and a litigator—he has served as lead counsel in more than 300 civil jury trials—continues to be sought after by his partners, many of whom count him as a key mentor.



As esteemed as Blount is for what he has done in the courtroom, Blount is best known for how he went about it. Over the years, the Wilson native developed a reputation for being scrupulously civil, if not downright polite. His persistent professionalism made him a leader in the trial bar and the North Carolina Bar Association. Blount said it also helped him be a more effective advocate.

A trial lawyer, he says, “does not have to be obstreperous.” He firmly believes that it is more pleasant, more fun, and more productive when parties and counsel conduct themselves in a civil, professional matter.

It's one of the many lessons that Blount, 85, has learned during his legal career. Over his career, Blount has watched the legal profession change in innumerable ways. Technology has completely changed the law office. The “billable hour” has fundamentally altered the way law firms like Smith Anderson operate. And, Blount says, the professionalism and courtesy that should be hard-wired into legal professionals has eroded.

Ever the teacher, Blount continues to try to pass along what he's learned to his colleagues and friends. Here are a few of the lessons learned from Blount's stellar career in the law:

LESSON 1: FIND OPPORTUNITIES IN THE UNEXPECTED

Blount loves being a trial lawyer and a litigator, and still pines to be in the courtroom preparing for trial. As much as Blount loves being what he calls a "real lawyer," he came very close in his 40s to focusing his practice on corporate law and tax matters.

Blount was pulled into a full-time trial practice by tragedy. On Saturday, December 4, 1971, one of Blount's partners, Willis Smith Jr., was killed in a plane crash at the Raleigh-Durham Airport. Blount inherited 144 of Smith's cases.

"I went out of the office on a Friday afternoon and came back on a Monday morning with 144 cases I had never seen before," Blount said.

From that moment on, Blount was a trial lawyer. "It changed my life completely," he said.

The task of getting to know 144 cases all at once was potentially overwhelming. Rather than get dragged down by the work, Blount seized the opportunity both for himself and the firm. He immersed himself in the cases, carrying files with him everywhere. He gave up golf because he no longer had time for it.

"It took a while to work out, but out of it came a lot of good," Blount said. "It made all of us much better lawyers much more quickly."

In the process, Blount not only cemented himself as a trial lawyer, he also showed himself to be a steady leader.

"He has been a role model for people," said Sammy Thompson, a partner of Blount's who counts Blount as a mentor. "His adversaries respect him, his clients love him, judges admire him and juries follow him."

As a trial lawyer, Blount has learned to greet the unexpected with confidence and humor. Because you never know what is going to happen next.

Decades ago, Blount was defending a car accident case that had gone to the jury. As they waited, Blount and the plaintiff's counsel tried to negotiate a settlement. In the middle of the negotiations, the jury sent a note to the judge with a question: Could they award the plaintiff more than what he had asked for? The plaintiff, convinced he was about to get the verdict he wanted, cut off settlement talks and waited for the jury to return. When the jury did come back, though, it delivered a defense verdict. The judge was surprised. The plaintiff was shocked. Blount was stunned.

But what about the note? As it turned out, the jurors had never intended to award damages to the plaintiff. Their question had been a hypothetical one, borne of curiosity about the limits of their authority.

LESSON 2: MAKE CIVILITY A PART OF YOUR PRACTICE

Four decades later, Blount still remembers the courtesies that plaintiffs' counsel extended him when he inherited those 144 cases from Willis Smith. By his count, every single plaintiff's attorney except for one agreed to grant him the extra time he needed to become familiar with each case.

He is not so sure that his colleagues in the plaintiff's bar would extend him the same courtesies today. "I think professionalism has gone downhill," he said. "The attitude of plaintiffs' lawyers and some defense lawyers is that they think they have to be obstreperous or obnoxious to be a good advocate—and you don't have to be."

Blount is a living example that successful trial lawyers can also be civil. Blount gained a reputation as one of the best defense-side trial lawyers in the state. And he did so while employing a strategy of common respect. Blount had a way of objecting without being objectionable. Plaintiff's attorneys have said that Blount could "nice you into a state of paralysis" and "nice you to death."

Blount first learned his velvet-gloved approach to competition from his high school football coach, who taught him to hit his opponents hard and then help them up. As he spent more time in the courtroom, he learned that civility also carried certain advantages with a jury.

"The easiest way to lose a case is to get angry and lose your perspective about what you're doing," he said in a 2001 interview. "I think that if the jury feels that the lawyer is being obstreperous for the sake of being obstreperous, they're going to react to that."

Of course, there are some aspects of Blount's approach that are probably more innate than cultivated. It can be tough, for instance, for other practitioners to adopt Blount's consistent willingness to try to like all the lawyers he works with and against.

"The worst thing I've heard him say about another lawyer is, 'That fellow is hard to like,'" said Thompson.

LESSON 3: KNOW WHAT YOU NEED

Blount began practicing law in 1952, and therefore spent years trying cases without any discovery. The experience taught him to try cases by the seat of his pants. It also informs his strong belief that most successful litigators are



those who know what they need, and tailor their discovery requests accordingly.

Blount says that litigators should learn to focus on details necessary to go to trial, and avoid the blanket discovery requests that end up requiring parties to focus “on a lot of irrelevant material they do not need.” Having the discipline to focus on what you need to prevail, Blount said, can be the difference between a positive outcome and a negative outcome at trial.

“I’ve seen more cases lost by poor, lengthy, uncontrolled cross examination than too little examination,” Blount said.

LESSON 4: LIKE WHAT YOU DO, AND DO WHAT YOU LIKE

It is no accident that Blount is still coming to work every day, long after many of his contemporaries have retired their shingle. Blount enjoys being a lawyer and coming into the office.

“I don’t remember a single day in my practice where I haven’t looked forward to coming into the office each day,” he said, smiling. “There might have been some, but I don’t remember them.”

And so on most weekdays, Blount puts on a suit and goes to his office on the 26th floor of Raleigh’s Wells Fargo Capitol Center. It’s there he gets to have “fun”—he sees people he enjoys, keeps up with developments in the world of medical malpractice, and gets to keep a finger on the pulse of the legal community of Raleigh and the state. He misses the trial work, but coming into the office “beats staying at home.”

He expresses concern about those who cannot understand why he keeps on working. “People say I don’t want to be doing what you’re doing at your age, and that bothers me,” he said, “because you burn out when you do things you don’t enjoy. You don’t burn out doing things you enjoy.”

About the Author

*Toby Coleman joined Smith Anderson in September 2010 and practices in the areas of land use, litigation and real estate. Before becoming a lawyer, Mr. Coleman was a newspaper reporter at the Raleigh **News & Observer**.*