

# SHIPMAN & WRIGHT NEWSLETTER

ATTORNEYS AT LAW

## Celebrating 30 Years

SHIPMAN & WRIGHT NEWSLETTER July 1, 2010

Our Office  
Located at 575  
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## Shipman & Wright, Celebrating 30 Years

welcome to our first ever newsletter, we hope you enjoy

By Gary Shipman, Attorney at Law



August 23, 1980. The date that I became licensed to practice law in the State of North Carolina.

I was 24 years old. I was suddenly empowered to do the thing that I had dreamed all my life about doing – being a lawyer. Within a few months, I realized the awesome responsibility that I had when a client engaged me to solve a problem for them, and 30 years later, I still feel that. While the world has changed so much in 30 years, that part of me, and the incredibly talented lawyers, paralegals and staff that I have been so fortunate to work with over the years, has not. We are truly blessed to have had the opportunity to help so many people, and gain the trust and confidence of our clients and the community that our firm is the place to turn when they need a lawyer.

We are excited to launch the first edition of our newsletter, which is being provided to you in an effort to keep you informed about the members of our firm; issues that may affect you; and the ways that we may be of service to you. In this first edition, we want to introduce

you to the members of our firm, who I am proud to say are as talented and hard working a group of people as anyone could find. In addition, in this edition we'll highlight our practice areas and tell you a little bit about some of the cases that we are currently handling. In future editions, we will provide you with important information about issues that may affect you, so as to enable you to stay informed about issues that could have an effect on you and your family and friends. We trust that you will find this newsletter informative, and we invite you to let us know how we can make it better so as to continue to be of service to you.

I want to take this opportunity to thank you for permitting us to be of service to you over the years. Rest assured that we will never take the trust that you place in us for granted.

Sincerely,

Gary K. Shipman

# Do You Know the Shipman & Wright Team?

we have assembled a team of attorneys that can do it all, and then some

## **Gary K. Shipman**

Gary is a graduate of Campbell Law school and is recognized throughout the State of North Carolina for his effectiveness and skills in the courtroom, and has handled more than 100 jury trials to verdict during his career. He has handled cases ranging from medical negligence to catastrophic personal injury and wrongful death; products liability to consumer fraud and protection; condemnation to complex civil litigation. He has received numerous awards for his exceptional performances throughout his 30 years of legal practice.



## **William G. Wright**

William is a graduate from Campbell Law School with the class of 1999. He became a partner in the firm in 2004 and has continued to serve as an integral part of the success of Shipman & Wright. William focuses his practice on civil litigation, involving primarily suits relating to personal injuries, wrongful death, construction litigation, business litigation, unfair and deceptive trade practices, municipal litigation, and appellate advocacy in both the State and Federal Courts of North Carolina.



## **Angelique Adams**

Angel also attended Campbell University where she obtained her law degree in 2005. Angel is also an intricate part of the Shipman and Wright team focusing her practice in the areas of Complex Commercial Litigation, Consumer Class Actions and Construction Litigation, then expanded into the areas of Trusts and Estates, Business Organization and Contract Law.



## **Matthew W. Buckmiller**

Matt attended Temple University's James E. Beasley School of Law. Matt's practice is devoted to civil litigation including: Medical Malpractice, Real Estate and Complex Commercial Litigation, Consumer Class Actions, Personal Injury, Construction Litigation, and Land Condemnation. Matt has also been a Certified Athlete Agent in the State of North Carolina assisting residents of southeastern North Carolina in their pursuit of professional athletics



## **Hugh M. Currin Jr.**

Hugh graduated from Campbell School of law in 1980. He is presently a DRC certified Superior Court Mediator; a Family Financial Mediator; and Clerk of Court Mediator. He is presently a member of the NC State Bar, NC Bar Association, Brunswick County Bar and NC Association of Family Mediators. He has also served as Counselor to the NC State Bar and as Member on the Grievance and Ethics Committees. Hugh specializes in Family Law, Civil Litigation, Personal Injury, Criminal Law, Real Estate, Timber Land Acquisition and Zoning Mediation.



## **Katie H. Lesica**

Katie graduated Magna Cum Laude from Washington College of Law. She joined Shipman & Wright, LLP in 2009 after working at McLeod's Law firm in Fayetteville, NC. She concentrates on first class representation of the firm's clients in all types of litigation. Katie focuses on Insurance Law, Medical and Other Professional Malpractice, Appeals, Personal Injury, Motor Vehicle Negligence, Federal Tort Claims and Civil Litigation.



## **James T. Moore Jr.**

James obtained his J.D. from Campbell University Norman Adrian Wiggins School of Law in 2008. Shipman & Wright, LLP are very excited and pleased to have James as another strong attorney on our team. James specializes in Consumer Class Action, Construction Litigation, Personal Injury and Unfair and Deceptive Trade Practices. James has returned to his home town to continue his success in making a difference in people's lives.



## **Jean S. Martin**

Jean Sutton Martin attended Wake Forest School of Law where she obtained her law degree in 1998 and has more than six years of experience handling pharmaceutical drug, vaccine and medical device litigation. Jean's knowledge of pharmaceuticals and medical devices allows her to detect a drug interaction or defective product aspect to a medical malpractice case that may be overlooked by attorneys unfamiliar with these issues. Jean specializes in Pharmaceutical Products, Medical Devices, Medical Malpractice, Personal Injury and Product Liability.



## **Aileen Wu Viorel**

Aileen graduated from the Los Angeles School of Law in 1999. After almost twenty years of practicing law in California, Aileen returned to the Southeast with her family. In 2007, she was admitted to the North Carolina bar and joined the law firm of Shipman and Wright, LLP. Aileen currently handles matters in the areas of Real Estate Litigation, Employment Law, Complex Commercial Litigation, Commercial Leasing, and Business Organization.



Learn More about our Staff at our website  
[www.shipmanlaw.com](http://www.shipmanlaw.com)

# What We Can Do For You

we handle a wide range of legal services, how we can help you?

Here at Shipman & Wright, we have established an all inclusive boutique of law services in efforts to provide a one-stop-shop approach to our clients legal needs. With our attorney depth and experience, we are able to handle a majority of legal issues from Personal Injury to Estates and Wills. We have listed our practice areas to give you an idea of all that we can do for you.

- **Consumer Class Action**

- **Real Estate Law**

Lender Liability/Negotiations  
Commercial Loan Modifications  
Real Estate Closings

- **Medical Malpractice**

Medical Error

Nursing Home Neglect

- **Personal Injury & Wrongful Death**

Auto Accidents  
Boat Accidents  
Products Liability  
Defective Pharmaceutical Drugs  
Workers' Compensation  
Workplace Injury

- **Wills, Trusts & Estates**

Full Estate Planning

- **Construction Defect Litigation**

- **Sports & Entertainment Law**

Sports Contracts  
Representation of Athletes

- **Family Law**

When your future is in the balance, you want an attorney you can trust who has a proven track record of success.

## Case News

here are a few examples of current cases that we are working on right now

### **VIOLATION OF CONFIDENTIALITY & NON-COMPETE AGREEMENT**

We represent a publishing company that partners with independent contractors to give them the resources necessary to successfully design and produce their own publications. In exchange for signing a Confidentiality and Non-Compete Agreement, the company opens its doors and knowledge to the independent contractors, teaching them valuable training through seminars, weekly telephone conferences and other resources based upon the company's proven successful business model.

Our client came to us with the concern that one of these independent contractors had blatantly violated their Confidentiality and Non-Compete Agreement by leaving our clients' organization and opening up the same kind of company after participating in all of their training seminars and having full access to our client's detailed business model. The defendant in this case also illustrated their intentions and actions to deliberately take over market share in an area in which our client's business currently prospered.

At a hearing in April, we were successful in obtaining a preliminary

injunction requiring the defendant to cease business operations until the trial scheduled for late September. This was a favorable ruling for our client and we were pleased that the judge ruled in our favor. We are currently preparing for the trial and are hopeful for a positive result for our client in this case.

### **MEDICAL MALPRACTICE-FAILURE TO RECEIVE PROPER PREVENTATIVE CARE**

When you realize that you are experiencing abnormal medical symptoms that require immediate attention, you expect that the medical personnel in the emergency department will take your complaints seriously and evaluate your condition fully. Unfortunately, that does not always happen.

We represent a young mother who presented to the emergency room after episodes of numbness and weakness on one side of her body caused her to fall twice in one day. Test results showed obvious and blatant signs that this young lady was at an extreme risk of having a stroke, yet these test results were ignored by the medical personnel attending to her. As such, our client was discharged without proper treatment and care.

Without the needed treatment, our client's condition worsened and she suffered a debilitating stroke less than 24 hours after having been released. Our experts agree that this stroke could have been prevented had the doctors in the emergency room taken the appropriate steps to treat the symptoms and conditions with which our client presented. As a result of their failure to do so, our client suffered serious and permanent injury. We are slated to go to trial in this case in October.

### **CLASS ACTION AGAINST SALLIE MAE**

We are currently involved in a national class action against Sallie Mae for racially discriminatory practices in student lending. Our case alleges that underwriting criteria and practices used by Sallie Mae for its private student loans result in African American and Hispanic applicants being charged disproportionately higher interest rates and fees than those charged to similarly situated non-minority applicants.

Federal student loans are guaranteed by the government and carry a fixed interest rate. Private student loans are quite risky in that they have variable interest rates, typically much higher than federal loans, and offer borrowers far

# Case News

continued...

few options in repayment. As tuition rates continue to skyrocket, more college students have been turning to private loans to cover their educational needs, and quite often do so without maximizing the federal loans to which they are entitled. Private student loan volume peaked at \$19 billion in the academic year 2006-07.

In the last several years, Sallie Mae and other lenders have come under fire for their underwriting criteria used in private student loans. Both Congress and the New York Attorney General have investigated the marketing and lending practices of this industry which for so long has prospered without any restrictions and regulations as to the way lenders target young people with little or no borrowing experience.

## TRAGIC AUTO ACCIDENT INVOLVING CONSTRUCTION EQUIPMENT

We proudly represent the family of a beloved school teacher who was tragically killed in an automobile accident. The accident involved construction equipment being hauled out onto a two lane, heavily trafficked highway in eastern North Carolina.

It was near sunset on the shortest day of the year and the construction site flagmen were not positioned at a far enough distance, nor were there any warning signs erected. Without the proper notification and warning signs in place, our client was unable to stop in time. She collided with the construction equipment crossing the road and was killed instantly.

Numerous OSHA violations have been cited against the construction company. Our firm has spoken with several witnesses at the scene and they vividly recall the total disregard for safety and dangerous circumstances created by the construction workers. This lack of care and compliance to the law caused the heartbreaking loss of a famed educator, community leader and completely adored mother, grandmother and wife. We are preparing this case for trial expected to be heard early 2011.

# Firm News

we've got a lot going on here at S&W Law



**Gary Shipman** Sworn in as a New Member of the UNCW Board of Trustees

## SHIPMAN APPOINTED TO UNCW BOARD OF TRUSTEES

Gary Shipman is proud to announce that On October 22, 2009 he and Susan Carter were sworn in as new members of the UNCW Board of Trustees by the Honorable Phyllis Gorham. Following the ceremony Mr. Shipman states "I am deeply honored that the Governor has entrusted

me with the obligations as a member of the Board of Trustees of my alma-mater. I am deeply passionate about UNC-W, and intend to contribute my efforts to insuring that this University maintains and surpasses its historical successes."

Gary studied as an undergraduate at UNCW, graduating with the class of 1977 before he went on to Campbell School of Law. He has a deep passion for UNCW and its community and is excited and honored to serve on the board.

**SHIPMAN & WRIGHT SPONSOR CAMPBELL LAW ALUMNI LUNCH IN WILMINGTON**



Campbell Law School Alumni Association held a luncheon at Port City Chophouse in Wilmington, NC in June with Shipman & Wright as the proud sponsor. With five of our attorneys being Campbell Law Alumni, we are very big believers in their program.



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