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ATTORNEY
OF THE MONTH

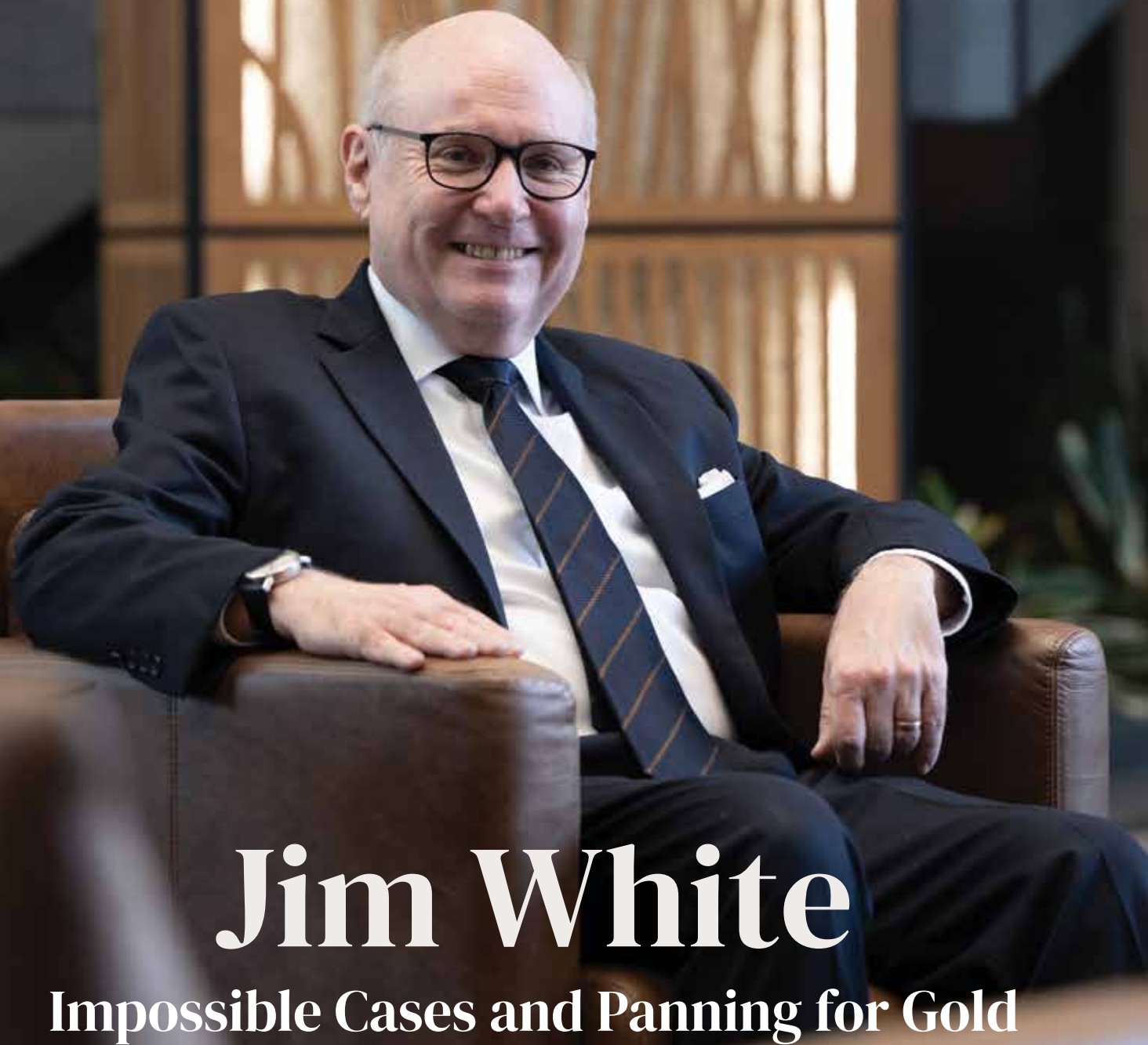
Jim White

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ATTORNEY OF THE MONTH



Jim White

Impossible Cases and Panning for Gold

WRITTEN BY BOB FRIEDMAN
PHOTOGRAPHY BY CATHERINE DAVIS

As Chapel Hill attorney Jim White enters his office, he passes a huge picture in his lobby of a scene from the 1982 film “The Verdict” starring Paul Newman. When he decorated his lobby, he said he eschewed corporate art and instead selected a scene from this movie.

“I realize it’s not the first movie that comes to mind when you think ‘lawyers in film.’ But Newman’s character is fascinating. He’s an alcoholic lawyer who pushes a hopeless case to trial against a hospital and a large insurance company, ultimately getting a large verdict,” said White.

“Sure there are other pictures I could have chosen. Newman’s character is flawed and complex and there is much about him not to like. But in the end he’s a role model – someone willing to take on big interests even if the odds are against him. I look at it and remember that sometimes the biggest obstacles we have to overcome are inside us.

“A good reminder to have when I walk into the office,” he added.

Financial Sophistication

White has carved out a niche law practice handling complex cases that involve finance, fraud and unfair trade practices. He was a research analyst for global management consulting firm, McKinsey & Company, before going to Duke University School of Law. His varied law practice incorporates his experience in the business and banking world.

Some of White’s cases are on the plaintiff side against banks. “These are often cases that large law firms are conflicted out of,” he says. A number of his cases involve people and businesses suing corporations that have allegedly been bad actors. “Because I had this knowledge of finance and I wanted to help people, and I realized it could come together as a way of doing well by doing good. It’s almost like being a personal injury lawyer who deals with financial situations. Many personal injury lawyers are excellent trial lawyers, but they don’t have the



■ WHITE PASSES PHOTO OF SCENE FROM ‘THE VERDICT’ IN HIS LOBBY

financial sophistication to take cases like these.”

He finds that the rigor he learned in management consulting impacts the way he approaches law. “In management consulting, we would look at business problems and search for creative solutions. Lawyers in litigation and bankruptcy often address the same issues management consultants do, but they do it when their clients are in times of crisis. I think of it as the difference between a general practitioner and an ER doctor. I apply the rigor to analyzing the businesses I work with that I learned in consulting, but in litigation and bankruptcy my job is to keep the patient alive, help them through this crisis, and get them to a positive outcome.”

White has deliberately kept his firm small, but he believes that he can effectively compete with much larger firms by building partnerships with other firms and co-counseling with attorneys who have complementary practices. For example, in 2020 he teamed up with Dhamian Blue, a Raleigh attorney who had been named top anti-trust attorney in the state by the Legal Elite. The pair took a

bid-rigging case under the Federal Sherman Act to a federal jury.

According to a Bloomberg Law News story, “Estates LLC ran a database of NC properties in foreclosure. The suit alleged a complex scheme among Estates members to manipulate foreclosure auctions by strategically abstaining from out bidding one another on residential properties in foreclosure, including ‘backing down’ if another member bid first. It accused Estates of hiding the scheme by requiring its members to set up a single-use company for each auction, sometimes for the purpose of closing a deal but often solely to act as a stalking horse for another member by placing intentionally losing bids.”

The jury in Greenboro awarded the plaintiffs, who were homeowners, almost \$2 million in damages and attorney’s fees.

“I like to think about cases a little differently. Even though I’m not an anti-trust lawyer, this looked to me like a bid-rigging case. And because of my background I can make complex cases understandable to a jury. Dhamian brought his Sherman Act chops, as well as a solid and thorough legal mind. We made a good pair.”



■ JONATHAN DICKERSON, MANDA KING AND WHITE

Panning for Gold

“For me, business development is like panning for gold. I keep my eye out for the impossible case, the tough case,” explained White. “Someone will send me a case because it looks weird and the other attorney just doesn’t know what to do with it. These are cases where even though it is clear somebody has been harmed badly, the legal claim is not obvious. But I know there’s a case there, I can just smell it. It takes work to figure out the angle, but I’m willing to take the time and find it. Everybody is entitled to good, strong representation, but sometimes you have to do the work before you can find the right approach.”

White currently represents 21 people who were scammed by a car dealer in Halifax County. The complaint notes that “Their stories have

much in common – in each case the defendants looked for weakness and saw a way to profit from it. They would brazenly charge in excess of the value of the inadequate work they performed; they would perform work without offering estimates, and freely ignore those that they did give; over and over they would charge for repairs that had never been authorized; they would falsely represent that repairs had been made; they would falsely claim that certain parts or repairs were necessary; they would falsely claim that cars were in dangerous condition and needed immediate repairs; they would alter invoices and other documents.”

“They took advantage of consumers who entrusted their vehicles to them by holding those vehicles hostage

and requiring customers to pay excessive fees to reclaim their vehicles.”

White was able to get prejudgment attachment in the pending case, an unusual remedy that means that over a million dollars worth of the defendants’ assets will be frozen pending resolution of the case.

“When I think about my cases, it’s less about representing the little guy than representing the powerless guy. And that often involves representing little guys.”

Always in the Back of His Mind

White was born in Staten Island, NY, to a stay-at-home mother and a father who drove for UPS. “I didn’t grow up with a lot, and certainly saw times when my parents seemed powerless. There have been times in

my own life when I felt powerless. So, for me it is about doing right by them and righting an imbalance.”

A career in law was in the back of his mind when he graduated from St. John’s College in Annapolis, MD, but he put it on the backburner.

White’s first job out of college was as a sales manager for an international publishing company. Next came a stint as a literary agent, then working in management consulting, first for a consulting firm that specialized in media and then doing research for McKinsey.

He worked for McKinsey in Los Angeles, and while he was there, he wrote some “spec” scripts in Hollywood. “Nothing I wrote ever made it to the screen,” says White. “But writing screenplays was invaluable because it taught me how to tell a tight story. And we live in a world of stories. That’s what a trial is. It is a story that helps us make sense of what goes on in the world.

“Woody Allen said that you know how successful you are in Hollywood by the quality of the people who don’t return your phone calls. I had one script optioned for a television show, and the producer told me, ‘If this deal doesn’t come through, I’m going to jump off the nearest building.’” Needless to say, the show was never made. So much for a Hollywood ending.

White did not quit his day job. He said he could have continued in management consulting, “but I wanted to make a difference,” he recalled, “and law always struck me as the place to do that.”

Mobile Home Case

With a freshly minted Juris Doctor from Duke, White worked for an Am Law 200 law firm where he was assigned a pro bono case in Durham in 2003.

His client was a woman who had been sold a mobile home. The salesperson had assured her that the lot she owned next to her mother’s house would perc and that she could live there. But it turned out the land

did not perc and there was no city water. “The salesperson knew it but sold her the home anyway. She had entered into a financing agreement and kept paying for a house she could not live in,” recalled White. “Even though I had only been a lawyer for a few weeks, I pressed hard. The amount of the settlement was not big in the litigation world (high five figures), but it was huge for my client.”

“That first case got me hooked. To me, there is something exciting about pressing your thumb down on the scales of justice and helping someone who might otherwise be powerless get to a fair result. Bankruptcy has a similar appeal. It lets a debtor, who might otherwise be steamrolled by creditors, force them to work something out.

“We all know when something is just not right,” he added. “The question is what do you do about it? One of the skills a good lawyer can bring is looking at what someone else might call chaos and finding a cause of action in it and bringing a lawsuit. Sometimes there isn’t much more than a sense that something is wrong here, and there must be a way to fix it.”

White offered this example.

“A woman’s home was facing foreclosure. She was told that she could save her home from foreclosure with the help of a generous lender. She was tricked into deeding her home to the ‘lender’ in exchange for a lease option under which she would lease her own home and have an option to buy her own home back for more than double the amount of the original loan,” recalled White.

“It seemed hinky as hell, but I didn’t know if a claim could get her home back. It turns out that there is a statute called the Home Foreclosure Rescue Scam statute that creates a claim for this exact scam. So, it’s not rocket science,” explained White “You just need to keep digging when you know something seems wrong until you can figure out how to attack it.”

AT A GLANCE

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Small Business Debtor Bankruptcy
Mediation

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Duke University
Bachelor of Arts, St. John’s
College

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NCDRC Certified Mediator

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General Litigation
Best Lawyers in America,
Bankruptcy
Legal Elite, Bankruptcy, Business
North Carolina
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Lawyers Weekly
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Martindale-Hubbell
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Business Leader Media
Pro Bono Attorney of the Year,
Legal Aid of North Carolina,
Durham County