

# MICHAEL J. O'FOGHLUDHA

## PROFESSIONAL

### MANAGING PARTNER

Pulley, Watson, King & Lischer, P.A.

Attorneys at Law

P. O. Box 3600

Durham, NC 27702

Admitted to North Carolina State Bar, 1982

Admitted to practice in all North Carolina State Courts and in the Federal U.S. District Courts for the Eastern & Middle Districts of North Carolina

Admitted to practice before the United States Supreme Court

Admitted to practice before the United States Courts of Military Appeals

Admitted to practice before the United States Court of Federal Claims

Certified Mediator, State of North Carolina

Rated "AV" by Martindale-Hubbell, the leading national legal directory, publishing since the 19<sup>th</sup> century.

"AV" is the highest rating for legal ability and general ethical standards awarded by Martindale-Hubbell.

## PROFESSIONAL ASSOCIATIONS

Memberships: Durham County Bar Association; North Carolina Bar Association; North Carolina State Bar; American Association for Justice; North Carolina Advocates for Justice; National Association of Criminal Defense Lawyers (former member).

Positions Held: Durham County Bar Association: Board of Directors, Grievance Committee, Medical Legal Committee, Access to Justice Committee. North Carolina Advocates for Justice: Education Committee, Legislative Committee, Publications Committee, Political Action Committee Trustee.

## AREAS OF PRACTICE

Representation of injured persons in cases involving serious personal injury and wrongful death before trial and appellate courts; representation of injured persons in claims against insurance companies; representation of families in claims involving professional negligence, including negligence claims against nursing and assisted living homes; representation of injured workers in claims before the North Carolina Industrial Commission. Certified Civil Mediator. Arbitrator by selection.

## LECTURES AND PRESENTATIONS

"Workers' Compensation in North Carolina", North Carolina Bar Association, 2007.

"What You don't Know *Will* Hurt You: Ahlborn, Ezell & Medicaid", North Carolina Advocates for Justice, June 2007.

"Obtaining and Reviewing Medical Records and Working with Medical Experts", Half-Moon Seminars, Raleigh, NC, December 1999.

National Institute of Trial Advocacy, Annual Southeast Deposition Skills Program, Instructor, 1998 - present.

University of North Carolina Law School, Trial Advocacy, guest instructor, 1996-present.

University of North Carolina Law School, Mediation and Negotiations, guest lecturer, 1995-96.

Riverside High School, Wade Edwards National Mock Trial Competition, Coach and Advisor, 1998-2000.

"Medical Negligence Litigation - A Need for Reform?", WDNC Radio guest, March 2003.

"Structured Settlements", WDNC Radio guest, November 2003.

"Medical Malpractice", Half-Moon Seminars, Chapel Hill, NC, July 2002.

"Interpreting Medical Records", North Carolina Paralegal Association, July 2001.

"Medical Malpractice Litigation in North Carolina", National Business Institute, Raleigh, NC, December 1997.

"Bad Faith Insurance Litigation", National Business Institute, Raleigh, NC, May 1997.

"Ethics for the Civil Practitioner", North Carolina Bar Association, Southern Pines, NC, February 1997.

"Fire Loss in North Carolina", North Carolina Academy of Trial Lawyers, Greensboro, NC, March 1994.

"Bad Faith Insurance Practices", National Business Institute Raleigh, NC, November 1994.

"Deposing Expert Witnesses", North Carolina Academy of Trial Lawyers Charlotte, NC, November 1992.

"Perfecting Subcontractor Liens in North Carolina following Swain Electric", Cumberland County Bar Association, Fayetteville, NC, September 1991.

### PUBLISHED CASES

Nifong v. C.C. Mangum, Inc., 344 N.C. 730, 477 S.E. 2d 150 (1996)

Woods v. Uzzle-Cadillac Oldsmobile, 338 N.C. 525, 453 S.E. 2d 171 (1994)

Goodwin v. Investors Life Insurance, 330 N.C. 612, 412 S.E. 2d 86 (1992)

Creech v. Melnik, 412 S.E. 2d 70 (1991)

Shuford v. McIntosh, 104 N.C. App 201, 408 S.E. 2d 747 (1991)

Electric Supply v. Swain Electric, 328 N.C. 651, 403 S.E. 2d 291 (1991)

Vaughan v. Moore, 89 N.C. App. 566, 366 S.E. 2d 518 (1988)

State v. Locklear, 84 N.C. App 637, 353 S.E. 2d 266 (1987)

In re Thompson, 314 N.C. 666, 335 S.E. 2d 499 (1985)

In re Barnhill, 72 N.C. App 530, 325 S.E. 2d 308 (1985)

Other Appellate cases have been decided with unpublished opinions

## EDUCATION

J.D., UNC School of Law, magna cum laude 1982

Class Rank: 23 of 221

GPA: overall 3.36 of 4.0

Honors: Book Award, Probate Law

Best Brief, Constitutional Law

A.B. History, Duke University, cum laude 1978

Other: Oxford University, Summer 1977

Université d'Aix-Marseille, Fall 1977

## EXPERIENCE

2007-Present: Pulley, Watson, King & Lischer, P.A., Durham, NC, Managing Partner

Practice of law as noted below along with management of all firm activities, including sponsorship of community events such as Bike Head First, Baby Fair, Christmas for the Troops, Young Lawyer's Reception, Habitat for Humanity, and administration of Adam Lischer Scholarship to deserving public interest lawyers.

1990-Present: Pulley, Watson, King & Lischer, P.A., Durham, NC, Partner and Shareholder.

Representation of injured persons and civil litigants before state and federal trial and appellate courts, and before the N.C. Industrial Commission. Representation of defendants in state criminal court. Experience in jury and non-jury trials, arbitrations and mediations. Extensive work in pre-trial discovery, case evaluation, and preparation. Rated AV in Martindale Hubbell legal directory. Admitted to practice before the North Carolina Supreme Court, United States Supreme Court, Federal Eastern & Middle Districts of North Carolina, U.S. Court of Federal Claims, U.S. Court of Military Appeals.

1987 - 1990: Pulley, Watson, King & Hofler, Durham, NC, Associate Attorney.

1984 - 1987: Assistant Public Defender; 12th Judicial District, Fayetteville and Raeford, NC.

Representation of indigent criminal defendants in District, Juvenile, and Superior Courts of Cumberland and Hoke Counties, and before the North Carolina appellate courts.

1983: East Central Community Legal Services, Raleigh, NC, Staff Attorney.

Representation of indigent persons in domestic, landlord/tenant, public housing, government benefit, and other civil disputes.

### COMMUNITY ORGANIZATIONS

Former Public Member, North Carolina Radioactive Waste Authority, 1997-2001

Former Member, North Carolina Arthritis Foundation

Former Board Member, Durham County Habitat for Humanity

Member, Trinity Park Neighborhood Association

Member, Immaculata School Parent Teacher Association

Member, Duke School Parent Teacher Association

Former Member, Durham County Council on Physical Fitness

Member, Carolina Godiva Track Club

Former Member, Durham Aquatic Masters

Former President, Burning Coal Theatre Company

Member, Durham School of the Arts Parent Teacher Association

Member, Riverside High School Parent Teacher Association

Board Chairman, Little Green Pig Theatrical Concern

Member, CLAWS, Inc.

Board Member, Durham Council for Senior Citizens

Former Member, Durham Hornets AAU Basketball Club

Member, Brain Injury Association of North Carolina