

NORTH CAROLINA

# Super Lawyers®

2021

## DEFENDING *the* UNPOPULAR

JAMES F. WYATT III HAS  
MADE A CAREER OF IT

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**ARIEL ROBERSON:**

Pro athlete, pro representation

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These are a few of **ALLIE  
PETROVA's** favorite things

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LAWYERS DID NOT PAY TO BE INCLUDED IN THE EDITORIAL FEATURES, DEPARTMENTS OR SUPER LAWYERS LISTS.  
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A man in a dark suit and blue tie stands in a courtroom, smiling. He is holding a folder in his left hand and resting his right hand on a wooden bench. The background features a large stained glass window with warm, golden light. The text 'DEFENDING the UNPOPULAR' is overlaid on the image.

# DEFENDING *the* UNPOPULAR

JAMES F. WYATT III HAS  
MADE A CAREER OF IT

BY MATT AMIS  
PHOTOGRAPHY BY JEFF CRAVOTTA

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**James F. Wyatt III**  
Wyatt & Blake  
Criminal Defense:  
White Collar  
Charlotte

**FROM HIS HOME OFFICE** in Davidson, months into a historic pandemic and a bruising election season, criminal and civil lawyer James Wyatt recounts one of his favorite stories from another tumultuous time in America.

Captain Thomas Preston was an Irish-born British captain who served in Boston in the Province of Massachusetts Bay at the service of King George III. He was in command on March 5, 1770, when a gang of local rabble-rousers cornered some of his armed officers, daring them to start trouble. One did. Someone shouted “Fire!” and an officer unloaded his musket into the crowd, setting off the Boston Massacre.

Even today, facts around the infamous first shot remain unclear. But lucky for Captain Preston, he had a damn good lawyer. Future U.S. President John Adams ensured Preston got a fair trial, did his legal legwork to the fullest, and argued in court that there was no proof his client gave the order to fire. Preston was found not guilty, avoiding a sure death sentence (and a hot, searing ‘M’ for murder emblazoned on his thumb, the punishment a few of his men endured).

“Adams was essentially defending a very unpopular client,” says Wyatt, who has never met a history book he didn’t like. “But that kind of action was what helped define the rule of law in our time. That moment was always incredibly motivating to me.”

A celebrated trial attorney who today specializes in white-collar defense, whistleblower cases and class actions, Wyatt occasionally

bucks popular opinion by taking on seemingly hopeless or desperate clients and often saving them from harsh (or capital) punishment.

In 1998, he represented Samuel Mahatha, who killed an off-duty police officer outside a Harris Teeter in Charlotte after a scuffle.

And in 1992, he had the

chutzpah to put Michael Jordan (yes, that one) on the witness stand in Wyatt’s highly publicized case defending golf hustler and accused drug-and-money-launderer James “Slim” Boulter.

“People say, ‘How can you represent someone who’s guilty?’ I say to them, ‘Who’s determining whether they’re guilty? A reporter, a sheriff, an arresting officer, or a jury?’” says Wyatt. “The jury system is the best system in the world for preserving freedom, and if you have a jury system and a presumption of innocence, then you can defend the guilty.”

In a nearly 40-year career that spans hundreds of cases—from federal to state, criminal to civil, RICO to whistleblower—Wyatt, 62, has earned a rep as an old-fashioned workhorse with a blue-collar ethos.

“He’s what people don’t think lawyers are,” says longtime friend and colleague Claire Rauscher, a partner at Womble Bond Dickinson. “Strong moral character, very ethical, you would never question what he does. Always takes the high road. No nonsense, straightforward, honest.”

**WYATT’S FATHER WAS PART** of another tumultuous period in American history. During World War II, he saw action across Europe with an artillery division; then after the war, stationed in Nuremberg to help with German civil administration, he witnessed firsthand the historic Nuremberg trials of high-ranking Nazi officers like Hermann Göring. It inspired him. As soon as he got home, the elder Wyatt, who was educated in a one-room schoolhouse in Harpersville, Alabama, applied for law school and attended Georgetown, eventually landing as counsel to the Internal Revenue Service and arguing a case before the U.S. Supreme Court.

The younger Wyatt grew up splitting time between the Chicago area and his grandfather’s 1,000-acre cattle and cotton farm in Alabama. He spent summers in high school and college doing backbreaking labor at a sod farm. From seven in the morning until seven at night, Wyatt, along with a mix of college kids and day laborers, would roll and stack huge swaths of sod beneath the Alabama sun. Whenever it rained, the sod soaked up the water and weighed twice as much.

“By the time I got through the first day, I sat down to eat, and my fingers literally locked on my fork because I was so exhausted,” Wyatt says. “But it got better from there. More important, I learned that everybody who worked on that farm would have given their right arm just to go to college, and especially to law school.”

The first few months at Duke Law School in the early ‘80s proved as challenging as the sod farm. Wyatt dropped out for a week to rethink his priorities. Ultimately, he decided, his skill set was best suited to practicing law.

From there it was a clerkship with popular U.S. District Court Judge and former Georgia state legislator Harold L. Murphy, who opened Wyatt’s eyes to the high-stakes world of criminal law. “I had no interest in criminal law cases prior to that clerkship,” Wyatt says. “They were exciting. And they were probably the most critical event in the life of the defendant. The excitement of those cases is what really attracted me.”

Clerking for a judge meant access to attorneys from all over northern Georgia, including the legendary Bobby Lee Cook.

The rootin’-tootin’ Dade County, Georgia lawyer defends everyone from moonshiners to the Rockefellers. His wizardry in the courtroom is a brilliant mix of strategy and salesmanship. TV’s homespun country lawyer Ben Matlock is supposedly based on Cook. Like Matlock, Cook connects with jurors like no other. “Picking a jury is about common sense and something deep down in your gut,” Wyatt recalls him saying. “It’s not about science.”

Wyatt wrote a letter to Cook, asking if he’d consider taking the fledgling attorney under his wing for a few months. Cook invited Wyatt to his Summerville office. He took Wyatt to a local barbecue joint (in a three-piece suit and a Rolls-Royce, naturally) and the offer was sealed. “And instead of six months, I ended up staying three years,” Wyatt says. “And I was not there at Bobby Lee’s office to just watch him try cases.”

In 1984, the mentor and mentee teamed up on an arson case. Cook worked his magic on the jury, hectoring and embarrassing an arrogant ATF special agent so that the jury wouldn’t trust his testimony.

“How many special agents are there in Georgia?” Cook asked. “About 120,” was the response. “Then there’s nothing so special about being a ‘special’ agent, is there?”

AR

But the pair made a critical mistake. In voir dire, when attempting to weed out jurors with links to law enforcement, they asked: "Have you ever been employed in law enforcement?" No one answered yes. But the dominant juror turned out to be a woman whose husband was the sheriff of a neighboring county. They lost.

"Those are the kinds of things you learn when you try cases," Wyatt says. "Sometimes they're hard lessons."

Wyatt found in Cook not only an unforgettable mentor, but also a teacher of unforgettable lessons. Such as all the razzle-dazzle Cook conjured in the courtroom wasn't magic—it was the byproduct of grueling, behind-the-scenes preparation.

Wyatt stepped out of Cook's shadow in 1985, when prosecutors picked three of his cases as the first trials of the term. "I won them all in a row," Wyatt says, "including the Tim Brown case, where his alleged co-conspirator testified against him and I was able to discredit him through cross-examination."

Eventually Wyatt knew it was time to branch out, so in 1986, he returned to North Carolina and opened his own practice in Charlotte. "I just hung out a shingle, and I started getting on every court-appointed list I could," he says.

## "I PERSONALLY FEEL THAT YOU CANNOT CLAIM YOU'RE A CRIMINAL DEFENSE LAWYER UNLESS YOU TRY A DEATH PENALTY CASE."

After his first three months, Wyatt grossed \$8,000 in billings, with expenses of \$6,000. "But I always felt like if I did the best job I could for each client I represented, Charlotte was a town where you could grow your practice based on what you actually did," Wyatt says. "That's proved to be true."

Wyatt's 1992 defense of Boulter, the golf hustler, helped put him on the map in what the *Charlotte Observer* called "one of the city's biggest courtroom spectacles in decades." Boulter, a self-taught golf prodigy, had been convicted in 1986 of cocaine possession. Four years later, while on probation, federal drug agents nabbed Boulter at Charlotte Douglas International Airport with \$153,000 in cash in his golf bag. The next year, investigators found more mysterious money on Boulter—this time a \$57,000 cashier's check from an agency called ProServ.

Boulter claimed the \$57,000 was a loan from His Airness himself, who was then at the height of his Dream Team global fame. Michael Jordan, he told reporters, loaned him the money to help him open his own driving range. But detectives who tapped Boulter's phone knew that wasn't the case. With his client facing possible life in prison thanks to the federal drug charges, Wyatt knew he had to think big. So he subpoenaed Jordan.

"Slim was, and is, a really good high-stakes golf player," Wyatt says. "And he can make hundreds of thousands of dollars on the

golf course, but he's not a drug dealer. The government called 16 separate witnesses who all testified they personally engaged in drug transactions with him, all over the country. But they had no corroboration, and they had no drugs." Boulter's intensive probation also made it unlikely he could wheel and deal in the drug game.

But it was the 6'5" shooting guard's testimony that clinched it. It turned out Jordan lost the money to Boulter during a high-stakes, three-day golf and poker outing in Hilton Head in 1991. Jordan spent less than nine minutes on the stand, but his star status won over the jury, and his honest retelling of the account helped clear Boulter of the more serious drug charges.

"Michael was facing a difficult situation," Wyatt says. "This was the year of the Dream Team, and he's in the courtroom testifying in a drug trial about losing money in golf matches to Slim. But he addressed it with incredible integrity. Just the fact that Slim was associated with Michael and Michael came to testify, made a big difference in the outcome of the case."

Wyatt knew the stakes were much higher when it came time to defend Samuel Mahatha nine years later. In 1998, Mahatha, a petty criminal with a third-grade reading level, stole a package of frozen crab legs from a Charlotte Harris Teeter. When stopped by off-duty police captain Anthony Stancil, a scuffle ensued, and a gun drawn from Mahatha's waistband fired, shooting a bullet into Stancil's eye, killing him.

"There was no question that Sam killed Officer Stancil," Wyatt says. "I also knew that he deserved a defense. And I personally feel that you cannot claim you're a criminal defense lawyer unless you try a death penalty case."

Stancil's death outraged the community and a charity drive for his family raised \$500,000. Killing a law enforcement officer is an aggravating circumstance that makes the death penalty appropriate and overwhelmingly the result in North Carolina. The state also contended Mahatha had been involved in a second homicide, and presented eyewitness testimony on that crime.

While Wyatt impeached that witness testimony during cross-examination, Mahatha was convicted of Stancil's murder. During the penalty phase, Wyatt shot straight for the jury's hearts in an attempt to save his client from death row.

He called on witnesses like Mahatha's former teachers and neighbors, who spoke to his client's severe learning disabilities and inability to reason. He also presented the testimony of Mahatha's twin brother, who was a highly decorated military officer. "The jury saw Sam's life was [impacted] by his developmental problems. Seeing this brother who served his country and who was becoming a state trooper really opened the jury's minds up to who Sam could have been."

The jury returned a verdict of life in prison.

In another twist, U.S. Magistrate Judge Carl Horn, who'd heard several cases from Wyatt over the years, served as jury foreman on the case.

"James did a spectacular job," Horn says. "His creative and effective representation and advocacy resulted in his client being spared the death penalty." Horn found the case so interesting and instructive that he penned a reflection in the *North Carolina State Bar Journal* in 2001, writing that Wyatt's skilled handling of the case "rang an increasingly responsive chord."

Wyatt logged over 800 hours working on that case, getting paid a tenth of what he was making in private practice. "I shared office space with him at the time, so I watched the whole case, from

preparation to trial, and it was probably some of his best work," Rauscher says.

Wyatt calls it "one of the most meaningful experiences I've had in my legal career."

**EVENTUALLY WYATT EVOLVED HIS** practice to include white-collar, class action and whistleblower lawsuits; and while most stayed out of the headlines, some didn't.

In 2009 Wyatt helped get Ken Lewis, the former CEO of Bank of America, out of major hot water amid the country's financial crisis. The bank's questionable merger with Merrill Lynch brought about class action civil lawsuits, civil action by the SEC and the New York attorney general, and several investigations by the United States attorney offices' in New York and North Carolina.

When the dust settled, Lewis was never charged with any crime, and although the bank paid sizable settlements, Lewis never had to personally contribute to any settlement.

"James is very smart, he always diligently prepares, he has excellent communication and trial skills, and he uses these assets and talents in a way that is not off-putting to the government or to the court," Horn says. "He projects a rare balance of credible competence and humility, which prosecutors and judges find very persuasive."

For all the questionable characters he's defended, Wyatt maintains a humble and charitable lifestyle—thanks in sum to his Christian faith. At home, he and wife, Edna, who is from Colombia, preach the notion of *siembra*, or giving to others. He, his wife and their children organize funds for at-risk youth in Costa Rica for churches, soccer leagues and more. Wyatt helped establish the McKnight Education Trust, a scholarship in honor of popular federal district court Judge Brent McKnight, who died of cancer, leaving behind three young children. All of Wyatt's children—Daniel, Ben and Amelia—are involved in philanthropic endeavors.

"I think Bobby Lee taught me to be a strategic thinker in determining what's important, what isn't, how to develop evidence, how to present it," Wyatt says. "But the reason I'm involved in law is because I can take someone in probably the most catastrophic situation in their lives, earn their trust, and then deliver on it." **SL**



The other James Wyatt (1746-1813).



## Project Makeover

Wyatt & Blake is housed in the historic Mayes House. Built in 1902 by John Mayes, the house had a range of owners between 1926 to 1993, when Wyatt purchased it. He and his wife invested \$300,000 in renovations, "from new wiring to new drywall to new plumbing, but the structure itself was rock solid," Wyatt says. It was quite the undertaking, but Wyatt was up for the challenge—it's in his blood. Wyatt is a descendant of James Wyatt, King George III's architect.

Regarded as the most celebrated and prolific English architect of the 18th century, his work includes elements of Christ Church College (1773) and the Radcliffe Observatory (1776), both in Oxford; and popular tourist stop Broadway Tower (1794) in Worcestershire.

# TOP 100

AN ALPHABETICAL LISTING OF THE LAWYERS WHO RANKED TOP OF THE LIST IN THE 2021 NORTH CAROLINA SUPER LAWYERS NOMINATION, RESEARCH AND BLUE RIBBON REVIEW PROCESS.

## TOP 10

### ANDERSON, MARK E.

• *Ranked Number Two* •  
McGuireWoods, Raleigh

### CHESHIRE, V, JOSEPH B.

Cheshire Parker Schneider, Raleigh

### COMERFORD, JR., W. THOMPSON

Comerford Chilson & Moser, Winston-Salem

### COONEY, III, JAMES P.

Womble Bond Dickinson, Charlotte

### DAVIS, KEARNS

Brooks Pierce McLendon Humphrey & Leonard, Greensboro

### DUNCAN, ALAN W.

Turning Point Litigation, Greensboro

### KIRBY, DAVID F.

Edwards Kirby, Raleigh

### PACKER, LESLIE C.

• *Ranked Number Three* •  
Ellis & Winters, Raleigh

### RAMSEUR, PATTI W.

Ramseur Maultsby, Greensboro

### WYATT, III, JAMES F.

• *Ranked Number One* •  
Wyatt & Blake, Charlotte

**Abrams, Douglas B.**, Abrams & Abrams, Raleigh

**Adams, III, G. Bryan**, Van Hoy Reutlinger Adams & Pierce, Charlotte

**Anderson, Mark E.**, McGuireWoods, Raleigh

**Arias, Elizabeth K.**, Womble Bond Dickinson, Raleigh

**Badger, David R.**, David R. Badger, Charlotte

**Barefoot, Jr., D. Caldwell**, Barefoot Family Law, Raleigh

**Branch III, John E.**, Shanahan Law Group, Raleigh

**Bryson, Daniel K.**, Whitfield Bryson, Raleigh

**Byrd, Wade E.**, Law Offices of Wade E. Byrd, Fayetteville

**Camden, Wes J.**, Williams Mullen, Raleigh

**Carlson, Jr., Kenneth P.**, Constangy Brooks Smith & Prophete, Winston-Salem

**Carson, B. David**, Johnston Allison & Hord, Charlotte

**Carter, Jean Gordon**, McGuireWoods, Raleigh

**Cheshire, V, Joseph B.**, Cheshire Parker Schneider, Raleigh

**Cline, Denise Smith**, Law Offices of Denise Smith Cline, Raleigh

**Coats, David S.**, Bailey & Dixon, Raleigh

**Comerford, Jr., W. Thompson**, Comerford Chilson & Moser, Winston-Salem

**Connell, Michelle D.**, Fox Rothschild, Raleigh

**Conner, II, James L.**, Calhoun Bhella & Sechrist, Durham

**Cooney, III, James P.**, Womble Bond Dickinson, Charlotte

**Culp, Heather W.**, Essex Richards, Charlotte

**Davies, Janice L.**, Davies Law, Charlotte

**Davis, Edward B.**, Bell Davis & Pitt, Charlotte

**Davis, Kearns**, Brooks Pierce McLendon Humphrey & Leonard, Greensboro

**Derr, Tricia Morvan**, Lincoln Derr, Charlotte

**Duncan, Alan W.**, Turning Point Litigation, Greensboro

**Eglinton, Donald J.**, Ward and Smith, New Bern

**Feldman, Stephen D.**, Robinson Bradshaw, Raleigh

**Fialko, Christopher C.**, Fialko Law, Charlotte

**Fisher, Stewart W.**, Glenn Mills Fisher & Mahoney, Durham

**Fitzgerald, Andrew L.**, Fitzgerald Litigation, Winston-Salem

**Gardner, Nicole L.**, Gardner Skelton, Charlotte

**Grace, Nancy L.**, Wake Family Law Group, Raleigh

**Graebe, Christopher T.**, Graebe Hanna & Sullivan, Raleigh

**Grant, Jacqueline D. (Jackie)**, Roberts & Stevens, Asheville

**Greene, Michael J.**, Goodman Carr Laughrun Levine & Greene, Charlotte

**Grier, III, Joseph W.**, Grier Wright Martinez, Charlotte

**Harrington, Robert E.**, Robinson Bradshaw, Charlotte

**Hartzog, Dan M.**, Hartzog Law Group, Cary

**Higgins, John P.**, Additon Higgins & Pendleton, Charlotte

**Higgins, Sara "Sally" W.**, Higgins & Owens, Charlotte

**Howard, Joshua B.**, Gammon Howard & Zeszotarski, Raleigh

**Hutson, Jr., John N.**, Young Moore and Henderson, Raleigh

**Jackson, Jill S.**, Jackson Family Law, Raleigh

**James, Jason B.**, Bell Davis & Pitt, Charlotte

**Janvier, William P.**, Janvier Law Firm, Raleigh

**Johnson, Jr., Thomas H.**, Williams Mullen, Raleigh

**Johnson, W. James**, Smith Terry & Johnson, Asheville

**Kapp, M. Keith**, Williams Mullen, Raleigh

**Kelly, Patrick E.**, Johnston Allison & Hord, Charlotte

**King, Jr., C. Bailey**, Bradley Arant Boulton Cummings, Charlotte

**Kirby, David F.**, Edwards Kirby, Raleigh

**Kornbluth, Michael A.**, Kornbluth Ginsberg Law Group, Durham

**Kutrow, Bradley R.**, McGuireWoods, Charlotte

**Largess, S. Luke**, Tin Fulton Walker & Owen, Charlotte

**Marcus, Robert R.**, Bradley Arant Boulton Cummings, Charlotte

**McCabe, John M.**, Law Offices of John M. McCabe, Cary

**McDowell, Valencia M.**, Moore & Van Allen, Charlotte

**McGuire, Joseph P.**, McGuire Wood & Bisette, Asheville

**McLamb, Dan J.**, Yates McLamb & Weyher, Raleigh

**Miller, Jr., John R.**, Rayburn Cooper & Durham, Charlotte

**Moss, Jr., Joseph W.**, Erwin Capitano & Moss, Charlotte

**Narron, James W.**, Narron Wenzel, Smithfield

**Northen, John A.**, Northen Blue, Chapel Hill

**Norvell, Holly B.**, Johnston Allison & Hord, Charlotte

**Ogburn, Rudy L.**, Young Moore and Henderson, Raleigh

**Owen, C. Melissa**, Tin Fulton Walker & Owen, Charlotte

**Owens, Jr., Raymond E.**, Higgins & Owens, Charlotte

**Packer, Leslie C.**, Ellis & Winters, Raleigh

**Pantazis, Annemarie**, Wilder Pantazis Law Group, Charlotte

**Phillips, Jim**, Brooks Pierce McLendon Humphrey & Leonard, Greensboro

**Powers, Bill**, Powers Law Firm, Charlotte

**Ramseur, Patti W.**, Ramseur Maultsby, Greensboro

**Rayburn, Jr., C. Richard**, Rayburn Cooper & Durham, Charlotte

**Rhine, Joel R.**, Rhine Law Firm, Wilmington

**Richey, Alice Carmichael**, Alexander Ricks, Charlotte

**Riopel, Mark D.**, Hamilton Stephens Steele + Martin, Charlotte

**Ruley, Alan M.**, Bell Davis & Pitt, Winston-Salem

**Sanderson, George F.**, The Sanderson Law Firm, Raleigh

**Sasser, Jonathan D.**, Ellis & Winters, Raleigh

**Scheer, Anthony G.**, Rawls Scheer Clary & Mingo, Charlotte

**Scherer, Elizabeth Brooks**, Fox Rothschild, Raleigh

**Schilawski, Michael F.**, Wake Family Law Group, Raleigh

**Scott, Elizabeth Davenport**, Williams Mullen, Raleigh

**Shields, Patricia P.**, Hedrick Gardner Kincheloe & Garofalo, Raleigh

**Sigmon, Mark R.**, Sigmon Law, Raleigh

**Smith, Wade M.**, Tharrington Smith, Raleigh

**Stevenson, Scott M.**, Shumaker Loop & Kendrick, Charlotte

**Stinson, Robin J.**, Bell Davis & Pitt, Winston-Salem

**Stricklin, Jill**, Constangy Brooks Smith & Prophete, Winston-Salem

**Sumwalt, Vernon**, The Sumwalt Group Workers' Compensation and Trial Lawyers, Charlotte

**Thompson, Glenn C.**, Hamilton Stephens Steele + Martin, Charlotte

**Tyndall, Amos G.**, Amos Tyndall, Carrboro

**Van Kampen, Joshua R.**, Van Kampen Law, Charlotte

**Van Zant, Jennifer K.**, Brooks Pierce McLendon Humphrey & Leonard, Greensboro

**Wester, John R.**, Robinson Bradshaw, Charlotte

**Whitman, Lee**, Wyrick Robbins Yates & Ponton, Raleigh

**Wright, III, David C.**, Robinson Bradshaw, Charlotte

**Wyatt, III, James F.**, Wyatt & Blake, Charlotte

**Zeszotarski, Jr., Joseph E.**, Gammon Howard & Zeszotarski, Raleigh