

2019: A Year in Review

December 27, 2019



In 2019, Ward and Smith published more than 100 in-depth articles written by our attorneys, covering an array of topics.

From agribusiness to real estate, and everything in between, we are proud of all of our content, but some articles stood out to our readers. So as this decade comes

to an end, we're taking a walk down memory lane with this year in review. Disclaimer: The following list is based on the combined result of 'most viewed articles' from Google Analytics and JD Supra. The articles appear in no particular order.

Best Practices When Liquidating Real Estate-Secured SBA Loans

For several years, the United States Small Business Administration (SBA) has experienced continuous growth with its flagship 7(a) and 504 business loan programs. For fiscal year 2018, the SBA made over \$24 billion in loans under the 7(a) program and just under \$5 billion in 504 loans. As of fiscal year 2018, the SBA oversees a \$92 billion SBA 7(a) loan portfolio, up from \$56 billion in 2011. The average 7(a) loan has increased from approximately \$368,000 in 2014 to \$420,000 in 2018.[Read More](#)

Noteworthy: [How to Write an Effective SBA Litigation Plan](#)

Top 10 Estate Planning Mistakes & How to Avoid Making Them

As estate planners, we have seen it all over the years. What we have learned is that people make some common mistakes. Whether due to procrastination, lack of follow-through, or ignoring their own mortality! This article discusses a few of the major pitfalls we frequently see. Trust us: the best way to avoid these mistakes, and save your family and loved ones the stress, cost, and heartache of dealing with these problems, is to sit down with an estate planning attorney. [Read More](#)

Noteworthy: [Happy 18th Birthday! Your College-Aged Child is an Adult. Now What?](#)

From Facebook to FMLA to Furry Friends—Frequently Asked Questions in Employment Law

The questions we receive as labor and employment attorneys vary based on many factors such as organizational changes a business is experiencing, new laws or regulations that affect

employer obligations, and certain trends in society or workplace culture. Some questions, however, are common despite these factors due to unique situations that arise, such as when dealing with ADA or FMLA issues. Here are three of the most common questions that have come up over the past year. [Read More](#)

Noteworthy: Reminder to North Carolina Employers: Take Time to Thoughtfully Craft Your Restrictive Covenants!

The Accidental Construction Owner: A Checklist of Considerations for HOAs Engaging in Construction

Homeowners associations ("HOAs") do not typically act as construction owners. HOAs are set up as entities to maintain and manage planned unit communities. The most important and common role of the HOA is to maintain the common elements of the community. However, in that capacity, HOAs will typically be compelled to undertake a construction project. In these circumstances, the HOA plays the role of a commercial construction owner but is doing so without the experience that a commercial construction owner has in managing a construction project. [Read More](#)

Noteworthy: Trouble in Paradise: Redevelopment of Golf Courses in a Changing Market

The Importance of Identifying All Applicable Insurance in NC Car Accident Cases

Unfortunately, the number of serious car wrecks in North Carolina continues to increase. In 2016, for instance, 130,137 people were injured on North Carolina roadways, a 5.3% increase from 2015. Sadly, 1,441 people lost their lives, a 4.4% increase from 2015.

When representing an injured party, or the family that has lost a loved one, it is important to ensure that all sources of potential recovery are fully explored. This analysis starts with the potential insurance coverage. The process can be a complex and, unfortunately, significant sources of recovery can be missed. The best course of action, therefore, typically is to consult with an experienced personal injury attorney to assist with the investigation and analysis of all potential insurance coverage. [Read More](#)

Noteworthy: North Carolina Personal Injury Claims Involving Minors

There's a New Sheriff in Town: The Food and Drug Administration's Move to Regulate CBD.

Hemp has wide commercial application and appeal with a viable market for nearly every part of the plant, from the seeds, to the roots, to the flower. And with the passage of the Agriculture Improvement Act of 2018 (the "AIA"), the American hemp industry is poised for exponential growth. Cannabidiol or "CBD" represents one of the fastest growing – and, perhaps, the most controversial and commercially profitable – segments of the hemp industry today.

There is no shortage of claims about CBD's helpful properties, with commonplace industry acceptance that the cannabinoid can be used to, among other things, alleviate inflammation and anxiety. CBD has been, and it continues to be, incorporated into a wide variety of consumer products, including lozenges, honey, and even an FDA-approved prescription medicine. But, as the legal and regulatory landscape surrounding hemp and CBD continues to develop, there remains uncertainty – at least for now – about the legality of using hemp-derived CBD to produce food, cosmetic, and dietary supplement products. [Read More](#)

Noteworthy: Hemp's Storied Past - and (Potentially) Bright Future - in North Carolina

So You've Been Watching (and Cringing at) HBO's 'Succession'?

You may not run a global media conglomerate, but even closely held business owners (and perhaps especially closely held family business owners) can find themselves in a bind if they fail to prepare and implement a thorough and regularly updated business succession plan. Planning for the future of your business, family, employees, and yourself requires thoughtful deliberation and consideration of your goals and the opportunities available. Maybe, in HBO's dramatic style, more than one of your children think they should take over. But, just as possibly, maybe no family members feel called to take over the business. [Read More](#)

Noteworthy: Is it Time to Review Your Succession Plan Documentation?

What! My Flood Policy Doesn't Cover Flood Damage?! This, and Other Pitfalls of NFIP Flood Insurance Policies

Congress created the National Flood Insurance Program (the "NFIP") to help make flood insurance more affordable in higher-risk areas. FEMA oversees the program and writes the terms of the Standard Flood Insurance Policy (the "Policy"), and the Federal government pays claims. Since the NFIP is a government program designed to help those suffering from flood damage, you might think that the claims process is worry-free. Unfortunately, that could not be more wrong!

In reality, the Policy language can seem unfair, and the NFIP claims process is full of deadlines, technicalities, and formalities. [Read More](#)

Don't Jump Without a Parachute! Understanding Community Association Insurance Needs

In the aftermath of Hurricane Florence, many Community Associations located in the Eastern part of the state had a rude awakening when they discovered they didn't have the right amount and/or proper type of insurance coverage. More often than not, such lessons were very expensive, and the purpose of this article is to educate Community Association Board members regarding the types of insurance their Community Associations should consider carrying, and which gaps in insurance coverage they should be wary of when evaluating and selecting the right insurance coverages for their Community Associations. [Read More](#)

Noteworthy: Two Pairs of Eyes Are Better Than One: Why Community Associations and Developers Should Have Separate Legal Counsel

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