WAKE FOREST UNIVERSITY

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STATEMENT OF
PURPOSE AND POLICY

The **Wake Forest Jurist** is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the **Jurist** seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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"CURRENT DEVELOPMENTS IN NORTH CAROLINA HEALTH CARE LAW"

Cover Photo: Scenes from Wake Forest's Legal Clinic for the Elderly. Clockwise from top: The law school (photo by Smith), Professor Kate Mewhinney and students (photo by Rosen), Bowman Gray School of Medicine (photo by Smith), Professor Kate Mewhinney and student Anne H. Litton with a client (photo by Rosen).

DEAN'S COLUMN

Clinical legal education at Wake Forest has taken another step forward. The coming of the Professional Center next year will help us to enhance instruction in the business and corporate area with no depreciation of our litigation resources and emphasis. Similarly, the addition this fall semester of a Legal Clinic for the Elderly enables us to enlarge clinical education without altering or diminishing the operation of the basic clinic. Their purposes are discrete.

Our existing Clinical Program enrolls up to 25 students per semester. They receive four hours of academic credit for their classroom work and for their practice with both a civil law and a criminal law supervising attorney. These assignments are with local practicing attorneys who supervise the students and allow them to handle cases within their offices. Students are placed in a wide variety of law practices including: (1) Private practice; (2) Legal Aid Society; (3) Corporate general counsel with First Wachovia Corporation; (4) the National Labor Relations Board; (5) the U.S. Attorney's office; (6) the Forsyth County District Attorney's office; and (7) the High Point Public Defender's office.

The Clinic for the Elderly is the law school's first in-house clinic. It offers free legal services to indigent elderly clients. Manifestly, we are a graying nation. In 1900 only 4 percent of our national population was over the age of 65. In only nine years, 20 percent of the population will be over 65. In fact, the fastest growing segment in this country is the over 85 year old group. In Forsyth County the over 85 age group is expected to increase by 123 percent in the next 20 years.

This rapidly enlarging older clientele will require lawyers knowledgeable in key areas including:

- planning for incapacity (especially health care directives, powers of attorney, and living wills);
- Medicaid planning;
- long-term care insurance;
- nursing home admissions contracts and patient rights;
- age discrimination in employment;
- pension rights; and
- Medicare coverage issues.

Dean James Taylor

Recognizing this long term need for legal services for the elderly and for the close association of the legal and medical communities, Wake Forest applied for and was awarded a federal grant in the amount of $279,000 from the U.S. Department of Education to fund a legal Clinic for the Elderly. Moreover, this grant enables us to increase our clinical opportunities for law students who may now choose to enroll in either the new elder law clinic or in our existing Clinical Program or both.

The Clinic for the Elderly functions as a part of the J. Paul Sticht Center on Aging. It is located on the 7th floor of the Piedmont Building which is now a part of Wake Forest's Bowman Gray School of Medicine campus. Students receive instruction on elder law from Kate Mewhinney, the managing attorney for the Legal Clinic for the Elderly. Under her supervision, they provide legal services to indigent elderly clients. As an integral part of the Sticht Center, this clinic offers students a multidisciplinary approach to aging. They receive instruction from geriatricians on the Center's staff on related medical issues such as dementia and how it affects decisional capacity.

Law students participate in geriatric assessment rounds along with a team of physicians, pharmacists, social workers, and nurses in order to offer the elderly patients at the Sticht Center a comprehensive approach to solving the myriad problems associated with aging.

Initially, students focus on document drafting and advocacy before administrative agencies. Enrollment will be limited to ten students per semester who receive three hours of academic credit.

We thought you would want to know more about this significant development. We think it is in the true spirit of Wake Forest. It serves at least three important purposes: It enables us to broaden our clinical offerings to students. It places us on the leading edge of the development of the law to meet the needs of our fastest growing group of Americans. And it permits our youngest, the almost-lawyers, to have the satisfaction of providing needed help to the indigent elderly, our loneliest citizens.

EDITOR'S PAGE

When we applied to law school, we were asked our reasons for wanting a legal education. And there were probably as many different reasons as there were new students. Some wanted to find a justification for their liberal arts major, or to prepare for a solid future career. Others were more daring. They wanted to "empower the powerless," to fight forms of discrimination and abuse, to help those most in need of legal advice. Perhaps many of these daring students felt their ideals shattered when actually involved in the everyday classroom experience of law school. They told themselves, "of course this book knowledge lays a foundation, but when can I actually get out there and help someone?"

Wake Forest, with its new Legal Clinic for the Elderly, provides this outlet for students. The elder law clinic provides a practical education in a substantively complex area of law for those students willing to dedicate a portion of their time to serving indigent elders.

We at the *Jurist* are excited about this new clinical opportunity, and wanted to educate students, alumni, and friends about the program in our feature article. One of the issues that students in the elderly clinic confront is the ethics of executing living wills. Ann Potter, a 1990 graduate of the law school, provided us with an informative legal article responding to the North Carolina legislature's recent passage of "Right to Die" legislation.

On a personal note, I want to thank the hard-working staff of the Jurist for making this a timely and interesting issue. Patricia Everett, last year's editor, is also due many thanks for her guidance in putting together the *Jurist*. Last, but by no means least, I thank Noel Sugg, our administrative assistant, and Linda Michalski, our advisor, for sharing their experience with me in making this a successful issue.

photo by Michalski

Board of Editors. Standing: Karen E. Eady, Mary F. Balthasar, Chip Holmes. Seated: Aimee N. Richardson,

Aimée N. Richardson

FEATURE STORY

Wake Forest Establishes a New Clinic: The Legal Clinic for the Elderly

photo by Lapas

Professor Kate Mewhinney

LAW

Kate Mewhinney, managing attorney of Wake Forest's new Legal Clinic for the Elderly, makes a convincing case for the pressing need to train lawyers "for a country that's getting older and living longer." She asks, "What law firm would not want a lawyer who could save their clients $20,000 to $30,000 a year?" Her answer is that a lawyer who has the ability to advise clients how to plan wisely for the future can save their clients a lot. The costs of living in a nursing home, $20,000 to $30,000 annually, or paying for live-in care or medical treatment can be greatly reduced by planning ahead with legal counsel. The advice given by a lawyer who is well versed in all aspects of elder law—benefits, wills and estates, and long-term care insurance—can save a client money and, more importantly, peace of mind.

This past May, Dean Walsh and Associate Dean Taylor of the law school and Dean Janeway of the medical school, followed through on their idea to form a legal clinic for the elderly. The law school applied for a grant from the United States Department of Education. The government awarded Wake Forest a $279,000 grant, allowing law students and faculty members at the J. Paul Sticht Center on Aging to serve the indigent. This fall, 10 second- and third-year law students enrolled in the program, dedicating 10 hard hours of work per week to the clinic.

About halfway through the semester, Professor Mewhinney enthusiastically reported that the elderly clinic was "going well." As a new program, Mewhinney had the task of laying the groundwork for the clinic. She was and is occupied by finding new sources of clients; learning about community resources that benefit the elderly; educating Wake Forest administrators, alumni, and friends about the program; and overseeing law students' work.

Although it took about six weeks to really get the clinic program rolling, Professor Mewhinney was not deterred from her objective. She states that she "has the best legal job of anyone in the state!" Much of her legal background has oriented her to this field of work. From 1978 to 1989, she served as an attorney at the Legal Aid Society of Northwest North Carolina. During seven years of her time there, she participated in advising law students involved in the basic clinic program. In 1989, Mewhinney went into private practice. She continued her association with Wake Forest by teaching Trial Practice. In search of a more narrowly focused job that would enable her to continue to "help people and teach students." She was a natural for the position of managing attorney at the clinic for the elderly.

The law students involved in the clinic have two or three cases at any one time. The students have extensive responsibility in handling their client's cases, although all of their final work is reviewed by Mewhinney. Students practice their skills in research, client interviewing, letter drafting, and document drafting. Some cases also require oral advocacy before judges, clerks of court, or administrative law judges.

Students are also immersed in lectures and discussions concerning elder law. For example, each student participates in making rounds at Bowman Gray School of Medicine with a geriatric assessment team. During rounds, the students provide the elders and their families with information about advance directives, such as living wills and health care powers of attorney. Guest speakers, including local attorneys and geriatric physicians, also give weekly lectures to the clinic participants.

photo by Lapas

Kristin Decker, a second-year clinic participant

The substantive education offered by the clinic program is just as valuable as the practical experience awarded. Some of the everyday issues that clients bring to law students involve: consumer rights, nursing home patients' rights, Medicaid appeals, Medicare hearings, guardianship questions, powers of attorney, and will and estate planning questions.

The interesting aspect of all of these legal issues is that they are not merely doctrinal questions. Each substantive area can be highly affected by the health of the elderly person. For example, a client might come to a student to find out how to execute a living will. Although some elderly clients are well-read in current issues that affect them, the student must be aware of a number of factors. The student needs to know what medical conditions may cause the living will to go into effect and what resources exist to evaluate a client with questionable competency—competency being the threshold requirement for executing documents, such as wills. The student should be in contact with the client's doctor, making it easier for the doctor to implement the client's desires.

The opportunity provided by the clinic for the elderly to become familiar with this information from receptive, encouraging medical professionals is unique and practical. The medical aspect adds another dimension to the surface legal controversy faced by the elder.

Also adding another element to legal issues is the fact that the elderly are often discriminated against. Many direct and indirect government benefit programs are fraught with abuse. The elderly may face physical or financial abuse in nursing homes or even by family members. Becoming aware of the realities an elder faces when trying to receive deserved benefits or exercise rights is another service the clinic provides for its participants.

A third dimension that law students confront in elder law issues are the ethical dilemmas of medical decisions. Dr. Richard Vance, the chairman of the ethics committee at the medical center addressed the ethical concerns of serving the elderly at one of the clinic's weekly sessions. Perhaps the most controversial topic in medical ethics is the termination of life sustaining treatment, including tube feeding, for patients in persistent vegetative states. By their involvement in the legal clinic for the elderly, students can develop their own philosophies toward euthanasia in a more educated and progressive manner. Whether they retract or expand their notion of when termination of life-sustaining treatment is permissible, they will have had a real life look at how this issue affects patients' decision-making.

Issues of legal ethics and the Code of Professional Responsibility were also addressed in a lecture to the students by Professor Joel Newman of the law school. Elder law is fraught with ethical concerns for the attorney. A common issue involves simply determining *who* the client is. If the adult child of an elderly person locates and pays the attorney to render services to the older person, an attorney can lose sight of who the client is. Another frequent ethical dilemma arises when an attorney is unsure of her client's mental competency to execute documents. Can she consult with a medical professional for input without violating the attorney-client privilege? Is that client's signature on a Consent to Release Confidential Information authorizing contact with a physician? And what role should the attorney play when the client is determined to be incompetent? Not all of these questions have easy answers in the ethical guidelines for attorneys, but the clinic students learn to spot the issues and gain an understanding of the ethical precepts that should guide them.

Although this article only briefly outlines the Clinic for the Elderly, it is apparent that the clinic brings a great opportunity for learning to its participants, and allows its participants to use this knowledge for the benefit of the elderly community. When Mewhinney states that there is "a lot happening" in North Carolina that is exciting in terms of elder law, she is not underestimating the type of work in which clinic students participate.

MEDICINE

The Geriatric Assessment Clinic constitutes a part of the Section on Internal Medicine and Gerontology at the Bowman Gray School of Medicine. The Assessment Clinic was established in 1987 to serve the frail elderly. This fall, for the first time, law students began interacting with the medical team to assess and to provide legal counseling for these elderly patients.

Once during the semester, each student has the opportunity to make rounds with the geriatric medical team at Baptist Hospital. This team consists of an attending physician specializing in geriatrics, a doctor of pharmacy, a geriatric social worker, several medical students, and several medical residents. Along with the law students, these people assess the medical, social, and legal aspects of each patient at the hospital to whom they have been referred. As other needs arise, other disciplines such as physical therapists, occupational therapists, or home health nurses, may become involved with the patients.

Usually patients have been referred to the assessment team by concerned family members. Often family members will be grown children who live out of state and are concerned about how well the elderly parent manages in activities of daily living. The spectrum of activities of daily living range from the routine tasks of caring for one's personal hygiene and taking correct dosage of prescribed medications to more complex tasks of running errands and managing financial matters. The concerned family member can notify the geriatric assessment team (via the J. Paul Sticht Center on Aging) during the elderly person's hospital stay that the patient has a questionable deficit in one of his activities of daily living.

Once the family member requests the geriatric assessment team, a variety of professional services are set into motion. Even though elderly patients are usually referred

photo by Rosen

Alan Dubois, a third-year law student.

photo by Lapas

Ken Craig and Afschineh Latifi M. Tehrani discuss their experiences with the Clinic for the Elderly.

photo by Rosen

Tom Knight, a third-year law student

to the Geriatric Assessment Clinic for medical reasons, often more hidden, complex problems arise in the assessment process. One or more of those complex problems can be legal in nature and, in fact, may either hinder or assist in finding solutions to the client's other problems. The law students and the medical team work together to exchange information and to tailor an optimal outcome for each client.

Each Thursday morning, the geriatric assessment team meets two elderly individuals at Baptist Hospital and spends at least three hours examining, interviewing, assessing, and planning a specialized line of care for each patient.

During the examination phase of the team rounds, each professional separately interviews the elderly client. The geriatric physicians begin with a routine physical exam, with emphasis on current medical problems (as high blood pressure or diabetes) and on potential medical problems specific to the geriatric patient (as hearing or ambulation problems). A significant test administered to each client is the Folstein Mini-Mental exam. This exam evaluates the client in the following areas: Orientation to self, place, and time; registration/recall; calculation of numbers; language; and following of commands. Each area is given a numerical value and then each client is assigned a score based on performance.

Another aspect of the mental examination evaluates more of a developmental-type level of cognitive functioning. For example, one test can evaluate if a client operates on a lower, concrete level of reasoning or if a client can function on a higher, problem-solving level of reasoning. The physicians use an interesting technique to evaluate these levels of reasoning. They may ask the client to interpret the meaning of well-known proverbs, such as, "People who live in glass houses shouldn't throw stones." Based on the client's responses to several proverbs, the physician can determine the client's developmental/cognitive level of functioning.

The doctor of pharmacy interviews the patient to evaluate each person's understanding and adherence to their prescribed medications. It is not uncommon for a patient to take medications at home in a manner inconsistent with the physician's prescribed orders. The doctor of pharmacy also evaluates possible adverse drug interactions among the client's various prescribed medications.

photo by Lapas

Piedmont Plaza, home of the Clinic for the Elderly

Next, the social worker interviews the elderly client about practical, everyday problems. In this interview the social worker asks the client about his activities of daily living to ascertain areas where the client may have difficulty functioning and, so, may need outside assistance. If a family member or neighbor is not available, the client may be a candidate for outside professional help ranging anywhere from home health aides and home health nurses to housekeeping to financial counseling.

Finally, the law student interviews the elderly client and family members to ascertain their legal needs. The law student asks who makes the decisions for the client, if the client has a living will, if the client is aware of the financial or health care powers of attorney that can be executed, and other pertinent questions. If the client has a need in one of these areas the student either encourages the client to consult with an attorney or to contact the Legal Clinic for the Elderly.

photo by Lapas

Annette Byrd, administrative assistant to the Legal Clinic for the Elderly.

During the second stage of the team effort, the professionals discuss the specific needs of each patient and evaluate those needs in a brainstorming session. Every professional reveals what they have learned and what conclusions they have drawn about each elderly client. The team looks at the optimal lifestyle the client enjoyed before the onset of illness and the aging process and sets the client's goals based on that background. One very realistic problem for many elderly clients is a "loss of expectations." Many times these people are not able to do things they planned to do during retirement. The team attempts to help the client realistically lower their earlier expectations and to seek newer, more reachable goals.

An important part of the law student's education during this phase of the team interaction is to learn how the medical team —especially the physician—evaluates cognitive reasoning. The client's cognitive reasoning forms the foundation of what the physician and, ultimately, the lawyer consider a client's competency. If a client already experiences memory loss or is entering a borderline stage of Alzheimer's Disease, the physicians explain their attempts to draw that fine and wavering line between competency and incompetency to the law student. After interviewing the client and interacting with the physician, the law student begins to appreciate the tightly interwoven fabrics of law and medicine, especially in regard to developing wills, living wills, and the powers of attorney.

In the same regard, the physicians and law students can discuss the ramifications of living wills and the powers of attorney in the hospital setting. As one physician noted to a law student, physicians generally abide by the legal documents which clients present, but documents such as living wills or powers of attorney can help no one if they are sitting in an unretrievable location, such as a safe deposit box. So, an attorney can help a client understand the practical implications of what the physician will and will not do once a living will or similar document is drawn up.

From their evaluations, the team establishes a plan of action, including time lines and referrals to other professionals or agencies. They may also suggest use of the growing services for elderly people, such as elderly day care and community support groups. But they can also suggest practical, everyday solutions, such as encouraging the client to continue a favorite hobby, to continue church or community activities, or to exercise.

In the last stage to holistic client care, the team meets with the client. Not only is the client included in this conference, but the spouse, extended family members, and significant others are encouraged to join. Each disciplinary professional speaks to the patient and his family. As they speak, each professional demonstrates the unique approach and care involved in elderly client education. Each person attempts to sit closely to the client and if necessary, to speak loudly and clearly. Team members carefully review the information and plans of action with the attendant group and answers questions. Finally, the team members note follow-up visits with the clients so that plans are implemented within a short time after the client returns home.

By Aimee N. Richardson, a third-year student from Bonita Springs, FL; and Toni Sessoms, a second-year student from Raleigh, NC.

LAW SCHOOL NEWS

'Hungary' for Legal Knowledge

With the iron curtain rising like it's opening night at the new world order theater, Wake Forest received one of its recently arrived cast members. Dean Antal Visegrady of the Janus Pannonius University School of Law in Pecs, Hungary, spoke on September 11, 1991, to a filled law school courtroom about his experiences and hopes as a Hungarian law professor. Dean Visegrady was appointed associate professor of the Department of Theory of State and Law at his university in 1985, and has been vice dean of international affairs since 1990. He is the author of numerous legal articles and has spoken to conferences around the world.

The Dean spoke of the legal reform in Hungary in the last two years, with most reform having come only recently with the Red Army's departure on June 15, 1991. He sees privatization of central concern, especially in the context of transforming collective farms and industry, housing, and compensation. The Dean also emphasized the legacy of Soviet domination—the low numbers of jobs, and the impact on morals and religion.

A continental breakfast was held for Dean Visegrady where students came to hear about their counterparts in Hungary and some of the changes brought by freedom. Though Hungarian law students have always been free from the Socratic method, (suffering long lectures instead) their professors have only recently had the freedom to express their views on the legal system of that country. The Dean cited the restrictions on his travel just two years ago and his inability to criticize what he felt to be weaknesses in the Hungarian legal system. He also noted past cases of corruption where the communist party once had the power to decide the outcome of cases by one phone call to an appropriate judge. The Dean said such practices have since ceased.

Dean Antal Visegrady is hopeful that some of the greatest changes are yet to come. To facilitate these steps forward, he came to America and Wake Forest to sit in on classes, meet with professors and students, and observe the American method of legal teaching at its very best. After Wake Forest, the Dean traveled to the University of Chicago School of Law for further learning and teaching. He emphasized that all are welcome to visit and learn at his school in Hungary, and he hopes to foster more exchanges between professors, students, and library resources.

By C. Gant Redmon, III, a third-year student from Alexandria, VA.

photo by Richardson

Dean Antal Visegrady visits Wake Forest Law School

Estonia: Duties Beyond Borders

Third-year student Gant Redmon (2nd from right) swimming in the Baltic Sea.

A geologist would consider peering down into an active volcano a phenomenal event—the one opportunity to see the origin of his field of study. Similarly, a student of international law and political science would consider the genesis of a new democracy a once in a lifetime event to witness. This is often how I explain my experience this past summer in the country of Estonia where I was the first American to establish a permanent office to promote democracy and free market economics through the U.S.-Baltic Foundation in Washington D.C. After all, what better place to implement the teachings of my international law mentor, Professor George K. Walker.

My two months in Tallinn, the capital of Estonia, seem unreal now that I am back for my third year at Wake Forest. My home there was in a back storeroom of a museum just three doors away from the KGB headquarters. Working sometimes 10 or 12 hours a day at my office or at parliament, I helped the country's leaders edit the constitution and declaration of independence, and draft the new property and privatization laws. Other days were spent in the countryside, speaking to pro-independence groups about American interest in the Baltics. I joined my hosts in their "exotic" accommodations on these excursions, where barns substituted for beds and rivers for showers. I found that to really learn about a people, you must adopt their lifestyle as your own.

What I learned most about the Estonians from this interaction was their fear. The peoples of the former Soviet Republics now suffer a political whiplash from the purging of totalitarianism. A bewilderingly blank slate remains for the Estonians to fill in. Their knowledge of democratic values and economics is nonexistent. Equally alarming is the imminent Estonian-Russian conflict. Estonians constantly battle down their urges to strike out in revenge against 50 years of Soviet domination. Their greatest fear, however, is that of the unknown. All plans have been changed and careers altered. The coup has left a void that Americans now have a duty to help fill.

Estonia and the other newly liberated republics constantly cry out for one-on-one educational assistance. Government ministers called me daily asking for exchanges between Estonian and American lawyers, doctors, government officials, technicians, environmentalists, and educators. And requests for such came from more than the legislative hierarchy. One day, walking through the slums in Tallinn, I was hailed by a Russian grandmother sitting on the stoop of her crumbling apartment house. She said she was happy to meet this one American, but she asked when the rest of the Americans were coming now that freedom was so close at hand. She said she wanted Americans to come teach the country's leaders to run a free country. She wanted Estonia to be ready when liberation came. She expected human resources, not handouts.

Loans, especially to the expiring Supreme Soviet, are not the answer. The peoples of the newly freed republics need something far more valuable to Americans than their money—their time. Simple economic assistance belittles the challenge. Instead, the Baltics require the combined efforts of the private and public sectors. The government's cold war monopoly has ended. The next phase of U.S.-Republics' relations must be a grassroots effort. The private sector has new responsibility.

Private citizens and non-governmental organizations are competent to lead the next phase of U.S.-Republics' relations. We need only expand on the sort of exchanges already in progress and facilitate the funneling of human resources to points of need. I saw evidence of American philanthropy already at work in Estonia. At the hospitals, I saw crates of supplies with American "A.I.D." markings. At the Presidium, I saw a letter from an American law office offering pro bono assistance. In my own office, I shared space with the Soros Foundation providing scholarships to American universities. And stateside, many hospitals, churches, and universities operate fledgling exchange programs. The bridges have been built, they just need widening.

The American government should play a role in facilitating exchanges of persons of all professions and skills. I firmly believe American citizens and businesses would better heed the call for help if only they knew how. Improving communication should be the first step. Something as simple as putting a toll-free phone number or a form of certain communication in each of the Republics' capitals to one American with a resource directory of governmental and non-governmental organizations would be a giant step. Often, the people in the Republics do not know who to call with a request or proposal. Poor phone lines only compound their frustration. Though the proposal seems trite, it exemplifies a crucial point. At this point, the simplest solutions are the ones most needed.

For 50 years, the American people have relied on their government to fight the cold war with mutual military threat. Now that the cold war is over, Americans must wage a war of education. The peoples of the newly freed Republics took a giant leap of faith into an economic and governmental system they know nothing about. We have knowledge of that system and should not fear sharing it. Like the prodigal son's decision to return home, the former Soviets realized their utopia to be a myth. Now is the time not for wrath or gloating, but for hard work to build back what has been laid to rot for seven decades.

By C. Gant Redmon, III, a third-year student from Alexandria, VA.

Williams Returns Safely from Desert Storm

Kathy S. Williams in combat gear

First Lieutenant (1LT) Kathy S. Williams has been in the reserves for four years as a commissioned officer. Recently, she returned from a tour of duty acting as a heavy materials platoon leader as part of Operation Desert Storm in Saudi Arabia. Williams was the platoon leader assigned to the 398th Supply Company (HM) (GS) (U.S. Army Reserve), Greenville, NC. As platoon leader, Williams oversaw a unit that received, catalogued, stored, maintained, and issued heavy materials and equipment in support of a corps. Once in Saudi, Williams assisted in the rollover of M-1 tanks to an updated model. In this capacity, Williams inventoried, signed for and safely kept the tanks. She was initially to sign for 1,000 tanks in her area, but ended up with a little over 500 tanks.

Preparing for Saudi—At a family reunion in August 1990, Williams called home to check her answering service—she had been on alert to prepare to leave for Desert Storm. On September 17th, she received a call telling her to report to her unit on September 20th. Between these three short days, Williams had to move out of her apartment and take care of last minute matters, such as withdrawing from law school. Once away from Winston-Salem, Williams was stationed in Greenville, NC with her unit until sent to Fort Bragg—the mobilization station. (The mobilization station is where the unit takes care of individual paperwork, making sure everyone has had a physical, been issued dog tags, and endured hot weather training). She stayed at Fort Bragg for five weeks, two weeks longer than expected. On Nov. 1st, her unit found out they would be going overseas on the 3rd of Nov. at 7:00 a.m. and arriving in Saudi Arabia at 11:30 p.m. on Nov. 4th.

Once in Saudi—When Williams' unit first arrived they were taken to the port—akin to a tobacco warehouse—where the unit slept on cots placed two to three feet apart in an open space. At full capacity, there were up to 2000 people staying in this one open room. A couple of weeks later, several different platoon units were taken to the Expo Center—a convention center—where everyone stayed in a another big open room.

For the first few weeks, all of the meals were catered by Saudi's. Williams had her first encounter with green eggs (no ham) on day one. She commented that it was hard to enjoy the food when there were hundreds of flies around all the time. Initially, many soldiers lost weight because they could not adjust to the food. But by the time the war started in January, there were American mess halls and the soldiers began to gain their weight back. The soldiers washed their clothes by hand in cold water and prayed it would not be stolen during the night. Williams said the modern comforts of home were sorely missed. The soldiers used the toilet in big metal boxes with toilet seats. They showered in open wooden shower stalls with nothing but cold water, where people could walk by and see a soldier's head and feet. Williams got used to the shower system until about the second week in November when it started getting cold earlier during the day. Times were really

rough during the colder months of January and February; the cold wind blew as soldiers attempted to take their already cold showers.

Immediately before the war started, Williams' unit moved into trailers which had been divided to serve as three rooms per trailer, but were occupied by two people per room.

The War—When scuds started dropping, soldiers were directed to put on their MOPP (Mission Oriented Protection Posture) gear for safety. Upon first hearing the bombs soar through the air, Williams stated that she was not too alarmed because she, as well as her unit, feared it was coming; they just didn't know when. The first time the bombs flew overhead Williams thought it was a scud with poisonous gases. Yet each time bombs went off, this fear subsided. With every passing missile the unit became more accustomed to this environment; some did not put on their gear. Soldiers were to wear the MOPP gear until they got the all-clear signal; but out of fear many nights Williams would sleep with the gear on. Her unit was fortunate enough to never have any encounters with enemy forces.

Before being sent to Saudi, Williams' unit was told that they would be activated for 3 months. The platoon anticipated being home in the states by Christmas. To their dismay, they were on active duty for 11 months. Of these 11 months, they were in Saudi Arabia for 9 months. Once the war ended in February, they thought they would be going home in March. This was not so. Each time the platoon heard news of going home they built up their hopes. Yet a week or so prior to the date they were to leave, they would be informed that they were not leaving. The soldiers' morale was deeply undercut by this delay.

Returning Home—During the nine month stay, Williams knew she wanted to come back to law school. But there were times when she got depressed. She was scared that after being away from the academic setting for so long, she would not be able to readjust to the law school environment. According to Williams, "[she] feared that [she] would not be able to cut it." She had recurring nightmares that she came back to law school and flunked out, losing her scholarship. Williams commented that it takes a while to get used to law school; you have to be in a certain frame of mind. While in Saudi, she got out of this frame of mind and instead concentrated on her job as a platoon leader.

Williams returned in July 1991, and was surprised to learn upon arrival at the airport that many people thought all of the troops had already returned. Even today there are still American troops in Saudi because of the amount of equipment taken over that still needs to be sold or returned to the United States. The process of returning the equipment to the States is controlled by regulations and, therefore, is a slower process than taking the equipment over to Saudi. Williams noted that a lot of Americans have forgotten about the soldiers who are still in Saudi.

In retrospect—According to Williams, "I am a part of the experience of the 90's. Before Desert Storm it was the Vietnam War. I am a part of Desert Storm and I will always be. . .that's good because I get recognition. . .But because of going over there, I may not even graduate. I go to the courthouse and see people I graduated with and I'm still in school. It is all depressing." Williams also commented that "[i]f you are thinking about joining the reserves make sure that is what you want to do—especially people who join just to get a paycheck." When Williams joined she took a chance that a war would not erupt. "I took a calculated risk and it didn't pay off. . .and I had to do what I had to do."

Kathy, we are glad to see you returned home safely; your experience as part of Operation Desert Storm is an invaluable one.

By Karen E. Eady, a third-year student from Chesapeake, VA.

First Lieutenant Kathy S. Williams with Saudi children

Italy Summer Program Begins this Year

photo by Richardson

Casa Artom, Wake Forest's House in Venice, Italy (3rd building from left)

The law school is finalizing plans for a new summer program in Italy to begin in the Summer of 1992. The first two weeks of the four-week program will be spent in Ferrara, Italy. Classes will be held at the University of Ferrara Law School and students are tentatively scheduled to be housed in a restored convent on the campus. Ferrara is a city about the size of Winston-Salem located in the Poe Valley, approximately half way between Florence and Venice.

The last two weeks of studies will be continued in Venice. While in Venice, students will live at Casa Artom, a house owned by Wake Forest and ideally located on the Grand Canal. Classes will be conducted at Casa Artom since there are no law schools in the city.

Dean Robert K. Walsh said the law school will be accomplishing several firsts with the new Italian program. Wake Forest will be the first American law school to offer a summer program in Venice. In addition, Wake Forest is the first American law school to cooperate with the University of Ferrara in setting up a summer program.

The program will offer two courses and can accommodate 16 students who will be selected on a first-come-first-serve basis. Professor Marion W. Benfield, Jr. will teach Comparative Commercial Law and Professor Alan R. Palmiter will teach Comparative Business Organizations. Both courses will focus on civil law and the European Community.

For the past 11 years the law school has conducted a summer program in London. This program is also open to 16 students. This year the program will offer courses in the History of the Common Law, taught by Professor David A. Logan and Comparative Products Liability, taught by Professor John D. Scarlett. The London program will run for four weeks starting May 25th and ending June 18th. The Italian program will begin June 24th and run through July 23rd. Students can participate in one of the two programs or they can spend the entire summer in Europe and take one course in each program.

Dean Walsh commented that the Italian program is one way the law school is attempting to upgrade its curriculum in International Law. He believes it is important that the law school offer a strong background in this area because international transactions are becoming increasingly prevalent in the practice of law.

The fact that students will be living and studying in a non-English speaking country that operates under a civil law system will pose some unique problems. In order to help smooth over any difficulties, Dean Walsh said that Professor Laura Folati of the University of Florence has agreed to work with the program full time in both Ferrara and Venice as a co-director, and will probably assist in teaching the areas of the courses dealing with the European Community. In addition, Professor Folati may be able to arrange for students to visit Italian courts, government ministries, and law firms. The program may also employ a live-in Italian law student to help facilitate cultural and language difficulties.

By Mark Teague, a second-year student from Faith, NC.

photo by Richardson

A view of the Grand Canal in Venice

Second Annual Law School Family Day

Parents, spouses, and other family members of law students traveled from near and far to attend the annual Law School Family Day on September 14, 1991. The Courtroom was filled to capacity as Dean Walsh welcomed the students and their families. Parents beamed with pride as the Dean discussed Wake Forest's increasing national competitiveness and the imminent opening of the new Worrell Professional Center.

Most of the students in attendance were first-year law students, but quite a few second- and third-year students were also spotted at Family Law Day. In addition to the many parents and spouses, children, siblings, and even a few grandparents were there.

Professor David Logan conducted a mock Torts class. Several second- and third-year students served as "panelists" who were expected to know inside and out a line of cases about assault. Next, Professor Suzanne Reynolds quizzed her students about the "Doctrine of Necessaries" in a mock Family Law class.

Moot Court members, Gail Gonya and Kent Ford, treated the crowd to an appellate advocacy demonstration. Gail and Kent, both third-year law students, handled questions from a faculty panel of judges with finesse. The professors who served as judges included Don Castleman, Susan Grebeldinger, Marion Benfield, Luellen Curry, and Ronald Wright.

Acting Associate Dean Ralph Peeples introduced a panel of students who shared their perspectives on "Law School Life." First, Student Bar Association President Rose Miller described the student activities at the law school. Second-year student Lisa Angel explained the trials and triumphs (mostly trials!) of 1L existence, and third-year student Gant Redmon contrasted that with the more relaxed lifestyle of 2L's. The audience chuckled when Gant informed them that the best part of being a 2L is that you're no longer a 1L. The student panelists pointed out that law students should pursue other interests beside studying in order to maintain health and sanity. Several of the panelists recommended regular exercise. One message to families was that students understand that they may be difficult at times.

photo by Balthasar

Students and parents listen to Mock Trial.

Vicki Roberson discussed what it is like to be a married law student. Students with families have to plan their studying time more carefully since they need to strike a balance between school and family. Vicki advised students to leave law school at law school. She explained how law students often have an annoying habit of engaging in legal analysis every time they converse with a spouse, parent, or friend. How many of us have tainted holiday dinners with our know-it-all attitudes on some current topic of the day?!?

Following the program in the Courtroom, the students and their families adjourned to a barbecue on the law school patio. As everyone enjoyed the good food and hospitable weather, law professors circulated among the families. That evening, some of the families went to see the Wake Forest football game at Groves Stadium.

The second annual Law School Family Day was a tremendous success. Families had an excellent opportunity to understand the law school experience. And law students spent a very enjoyable day with their families.

By Mary Balthasar, a third-year student from Buffalo, NY.

photo by Balthasar

Family Day picnic on the patio.

Are Wake Forest Law Professors Boring?. . .Not!

photo by Casson

Professor Michael Curtis

This year Wake Forest Law School has added to its prestigious faculty three bright and energetic law scholars. Professor Michael K. Curtis served on the faculty last academic year as a visiting professor; however, this year he has returned as an associate professor. Curtis formerly was a partner at the Greensboro law firm of Smith, Patterson, Follin, Curtis, James, Harkavy & Lawrence. Curtis received his undergraduate degree from the University of the South and his law degree from the University of North Carolina. Currently he teaches Agency, Constitutional Law I and II, and Selected Topics in American Legal History.

As a full-time professor, Curtis expressed his desire to have more time to talk about, as well as learn about, areas of law that are of interest to him. He considers being a part of Wake Forest Law School faculty "a chance to learn more in depth about different areas of law than what [he] could learn as a practicing attorney." He also expressed an affinity for Wake Forest, noting that he really enjoys interaction with the students inside and outside of class. He enjoys taking time to discuss issues on various topics with his students—some dealing with class assignments and others dealing with social/political perspectives. Curtis' hobbies include reading, photography, and swimming. He must be commended for swimming three times a week, immediately after his Constitutional Law II class (which is more exercise than most law students get per month).

Professor Sue Grebeldinger is a native of Montana and a graduate of the University of Montana and Yale Law School. Upon graduation from law school, Grebeldinger joined the law firm of Sherman & Howard, where she practiced law for 6 years and became partner. In the past she has taught practitioners, but never students. As a first-time law professor, Grebeldinger noted that she "looks forward to being given the chance to explore her labor law and employment law in depth, through discussions with faculty, staff, and students, especially in light of the new Civil Rights Legislation." Grebeldinger teaches Legal Research and Writing, Labor Law I and II, and Employment Discrimination, which she enjoys greatly because "it is people oriented as opposed to document oriented."

In speaking with Grebeldinger, it is immediately obvious that she is physically fit as well as health conscious. She has aerobic equipment scattered throughout her office and sports posters draping the walls. In her spare time, Grebeldinger enjoys teaching and participating in aerobics and body sculpting. She stated that she does not view exercise as a way of releasing stress, but rather a way of releasing energy because she has so much excess energy. This energy is quite apparent from speaking with her. She is extremely friendly and easy to approach. She also loves movies and studying films.

photo by Casson

Professor Sue Grebeldinger

photo by Casson

Professor Margaret Taylor

Professor Margaret Taylor hails from Austin, Texas, where she went to the University of Texas as an undergraduate. Like Grebeldinger, Taylor also matriculated to Yale Law School. Upon completion of law school, Taylor clerked with the Fifth Circuit Court of Appeals for one year, then joined the law firm of Graves, Dougherty, Hearon, & Moody in Austin, Texas, for 2 years. As a practicing attorney, Taylor stated that she enjoyed her work, but really is excited about teaching since she enjoys her interaction with students.

While on the faculty at Wake Forest, Taylor said that she "looks forward to learning; there's always something new to discover." She expressed her desire to have as much interaction as possible with the students at Wake Forest since she learns through them. Taylor said that she "considers it an honor to be a part of the law faculty at Wake Forest." She looks forward to an exciting career as a law professor at Wake Forest. Professor Taylor is very approachable and welcomes conversations with the student body. She currently teaches Dispute Resolution, Immigration Law, and Legal Research and Writing. In her spare time, Taylor enjoys reading novels as well as newspapers to keep abreast of current events.

By Karen E. Eady, a third-year student from Chesapeake, VA.

IOLTA Grant Recipients Share Summer Experiences

Five years ago Dean Taylor and members of the PILO organization were interested in developing a program designed to give Wake Forest law students an opportunity to spend a summer working within a public interest capacity. In recognizing a need for this type of program, Dean Taylor felt that law students "want to do good as well as do well," and if given the opportunity, students would be interested in performing pro bono work. Unfortunately, while a tremendous need for public interest work exists, a shortage of funds limits the opportunities available to law students interested in performing internships in the public interest field. To work around the problem of limited funds, Dean Taylor and the PILO members presented their program to IOLTA (Interest on Lawyers' Trust Accounts). IOLTA functions to support pro bono services and public interest programs in North Carolina. IOLTA, in recognizing the benefit of giving law students the opportunity to work within the public interest field, supported the Wake Forest program on the condition that other law schools in North Carolina could participate.

Currently, the IOLTA program developed at Wake Forest has been in operation for four years and includes four other law schools in North Carolina. These schools are Duke University, Campbell University, N.C. Central University, and the University of N.C. at Chapel Hill. IOLTA provides $62,500 to support five first- and second-year students from each participating university for one summer of public interest work. Consequently, each student earns $250 per week for a ten week commitment during the summer.

The IOLTA program at Wake Forest is administered by the placement office. In January, an information session is held by placement where interested students may obtain an application package and learn the program procedures. The application deadline is February 15th and persons accepted are notified by March 1st. A selection committee comprised of Dean Taylor and Carrie Bullock, Director of Placement, decides who will receive the IOLTA grant based on a number of factors. In particular, factors important in the selection decision include, (1) the student's awareness of the need for legal services, (2) the amount of commitment the student is willing to make, and (3) the student's understanding of the unique characteristics of this type of service. IOLTA grant recipients may select where they choose to work from a list of about 30 approved agencies located throughout North Carolina.

Dean Taylor and Carrie Bullock feel that students participating in the IOLTA program, whether they choose to serve in the field of public interest or work for a private firm, carry with them a greater awareness of the need for public interest work throughout their career. Further, if the student goes to work in a private law firm, the experience gained through the IOLTA program will help the student convince his or her peers of the need for greater attention to public interest work.

The profiles of the five IOLTA grant recipients from last summer follow. These students tell how they were challenged and how they have benefited from their experience with public interest work.

photo by Sessoms

Lisa Angel became interested in public interest work when she worked in a legal aid office during high school. It was during this high school experience that Lisa encountered the huge variety of problems typically found in public interest work.

During last summer Lisa worked at East Central Community Services (ECCS) in Smithfield, N.C. ECCS is a small legal services clinic employing only three attorneys and dealing with poverty law issues in general. Poverty law issues include housing, consumer law, and public benefits. Each attorney specializes in one of the above three issues, and Lisa took assignments from all three. Lisa's functions included interviewing clients, research, sitting in on depositions, writing interrogatories, participating in discovery, and even performing direct examination during an unemployment insurance hearing.

Lisa left her summer experience with a more realistic impression of pro bono work, in particular, she was impressed by the dedication and involvement of the attorneys. The attorneys were trying to eliminate poverty, not just in a legal setting but in general. Also, the attorneys were very supportive of the student interns.

After law school, Lisa would like to work for a private law firm and eventually begin her own practice with an emphasis on providing quality legal service for persons that are not served by legal aid clinics and yet cannot afford regular legal service. In particular, Lisa noted that many persons seeking legal service at the clinic were turned down because they did not meet income requirements. Lisa feels that while the poor and the financially secure receive high quality legal service from legal aid clinics and private law firms respectively, this other class of persons is not served by either and is currently in the greatest need of assistance.

photo by Sessoms

Peter Gruning believes pro bono work is "the essence of what the lawyer should do." Working as a probation officer for four years, Peter recognized the need for legal services and legal representation for the poor. Consequently, Peter believes that poor persons are not represented by our current legal structure and senses a moral obligation to help these persons by performing pro bono work.

Peter worked for the North Carolina Death Penalty Resource Center. This resource center provides information and legal services to attorneys representing either death row inmates or persons who may be sentenced to death. Peter's functions included researching issues relevant to writs of habeas corpus, doing field investigation

regarding murders, interviewing witnesses, and gathering evidence. Peter also interviewed jurors who had sat on death penalty cases. The interview involved asking the former jurors why they had chosen death for the defendant. In most cases, Peter found the jurors chose death because of a misunderstanding of how to apply the law.

Prior to working for the Death Penalty Resource Center, Peter had a general ambivalence concerning the death penalty. Since Peter is interested in practicing criminal law, he felt it would be necessary to take a position on capital punishment. It was through his work at the Death Penalty Resource Center that Peter was able to resolve his ambivalence concerning capital punishment. Peter found the death penalty inviable and randomly applied. As a result, this type of punishment, he feels, does not serve justice.

Through his work at the Death Penalty Resource Center Peter found that the best attorneys are those who actually believe in what they are doing and are motivated by their moral beliefs rather than their pecuniary interests. Peter commented that the attorneys he worked for were "dedicated to their work based on the power of their moral argument."

Finally, Peter expressed appreciation of Carrie Bullock and the follow-up work she did during the summer. Carrie checks in with IOLTA grant recipients throughout the summer to make certain all is going well.

Lisa Morrison feels that the pressure of working in a private law firm under a billable hours system makes public interest work more attractive.

Lisa worked for Central Carolina Legal Services in Greensboro. This agency employees 15 lawyers and offers free legal services to qualified, low income, persons. The clinic is divided into four departments, domestic, consumer, housing, and benefits. Lisa worked in the housing department. Her functions included writing memos, doing research, and drafting orders and complaints. Lisa also tried a case in small claims court.

Through her work with housing, Lisa learned about federal funding of housing projects. Lisa noted that the families seeking housing assistance are usually large families. These families may choose to live in housing projects or rent from private landlords.

As a result of her experiences last summer, Lisa has become more interested in public interest work. Lisa feels more lawyers should go into this line of work and, as a result, intends to go into legal services as a career.

photo by Sessoms

Kurt Seeber believes law acts to correct inequalities by "empowering the powerless." Consequently, Kurt was interested in spending a summer working within a pro bono capacity. Kurt believes that without the IOLTA program, finding a paid summer position in public interest work would have been very difficult.

Kurt worked for the Legal Aid Society of Northwest North Carolina. This clinic offers free legal services to persons meeting certain financial criteria, essentially serving the impoverished. The clinic's functions include consumer protection law, landlord tenant law, unfair trade practices law, bankruptcy law, and unfair debt collection law. The clinic does not handle domestic cases or criminal cases.

Kurt's responsibilities included researching issues, client interviewing, writing depositions, and attending hearings.

Through his experiences at the clinic Kurt was able to confirm his original feelings of the importance of pro bono work. Kurt observed that many persons are in need of legal service and the few attorneys who are working in this field tend to be over-worked and underpaid.

Kurt believes that working in the pro bono field would be difficult because of the low compensation typically associated with these positions. However, Kurt will make certain that whatever firm he works for has some type of pro bono program.

photo by Sessoms

Ed Wilson made it an objective when he entered law school to spend at least one of his two summers working in the interest of the public. Ed believes law should serve as the "great equalizer" for the poor.

Ed worked for Pamlico Sound Legal Services in New Bern, N.C. Pamlico offers legal services for general legal problems such as landlord tenant law, unemployment benefits, social security benefits, medicare benefits, and food stamps.

Working under the director of the landlord tenant department, Ed's functions included writing briefs, researching administrative regulations, and writing memos. Ed also participated in a community outreach program.

Ed noted that public interest programs have been hit very hard by recent government cutbacks. As a result, there is a lack of funds available for public interest work.

From his experiences this summer, Ed observed that "legal aid takes you out of the ivory tower of law school and makes you realize how real people actually live."

Ed would like to practice law in a small firm and perform pro bono work on his own.

By Nicolas D. Jonson, a first-year student from Layton, UT.

Jones Wins Student Trial Bar Competition

photo by Sessoms

First-Year Trial Bar Winner Betsy Jones, District Attorney Tom Keith, and runner-up Wendy Jacobs.

Each fall the Student Trial Bar hosts a competition for first-year students. The Student Trial Bar is a student-run service organization for students interested in excelling in trial advocacy. This year's trial bar final was held at 7:00 p.m. on September 26, 1991. Tom Keith, Forsyth County District Attorney, presided over the event. Betsy Jones represented the plaintiff, and Wendy Jacobs represented the defendant, Groceries 'R' Us.

The problem involved a negligence action against the defendant. The facts indicated that a grocery cart loaded with groceries fell on one of the plaintiff's children. As a result, the child suffered severe injuries.

The plaintiff argued that the defendant was negligent in overloading the cart with groceries. Also, the plaintiff contended the particular model of grocery cart used by the defendant was inherently unsafe for consumer use.

One of the defense's witnesses, a bag boy, testified that the grocery cart was not overloaded with groceries. In addition, an expert witness testified that the model of grocery cart used by the defendant presented no danger to consumers.

After the closing arguments, Keith decided in favor of the plaintiff. Jones and Jacobs each received a plaque to commemorate their efforts in the competition.

By Jocelyn M. Burns, a third-year student from Ellicott City, MD.

Quade Wins 20th Annual Stanley Competition

Each year the Moot Court Board at Wake Forest University School of Law hosts an intramural competition between the school's best appellate advocates. The competition is named in honor of the late Judge Edwin Stanley, a Wake Forest alumnus who served as a United States District Court Judge. The popularity of the event has grown steadily. This year, 59 students participated in the month-long competition.

Generally, the competition's legal problem focuses on a contemporary issue of first impression. This year's problem concerned the constitutionality of state regulation of surrogate assisted conception. The legislation passed by the State of Wake modeled an act endorsed by both the National Conference of Commissioners on Uniform State Laws and the House Delegates of the American Bar Association. The Surrogacy Act required that the intended parents to children born of surrogacy arrangements be married.

photo by Holmes

1991 Stanley Competition Winner Kim Quade and second place winner Jayson Sowers.

The petitioner, Theodore Irvin, challenged the constitutionality of the marriage requirement under both the due process and equal protection clauses of the Fourteenth Amendment. Mr. Irvin and his late wife, unable to bear children naturally, sought the use of assisted conception. Ova were aspirated from Mrs. Irvin, and inseminated with the petitioner's sperm. The fertilized eggs were placed in storage until a surrogate could be found to carry the embryos to term. Unfortunately, before a sur-

rogate could be located, Mrs. Irvin passed away. Determined to have a biological child, Mr. Irvin located a surrogate to carry the fertilized eggs to term. The State, asserting an interest in protecting the welfare of the unborn child and the sanctity of marriage, denied Mr. Irvin access to the fertilized eggs because he was unmarried. Thus, two issues were argued before the Court:

1. Whether the Surrogacy Act violated the due process clause by infringing on Theodore Irvin's right to privacy involving marital and procreative decisions?

2. Whether the Surrogacy Act violated the equal protection clause by classifying on the basis of marital status and denying unmarried males the right to enter a surrogacy agreement?

This year's semifinalists were all second-year students: Daniel Bullard, Ann Maddox, Jayson Sowers, and Kimberly Quade. From these four students, Jayson Sowers and Kimberly Quade were chosen to compete in the final round.

The panel who judged the final round included Richard S. Arnold, of the Eighth Circuit Court of Appeals; Nathaniel R. Jones, of the Sixth Circuit Court of Appeals; and Carol Los Mansmann, of the Third Circuit Court of Appeals. The panel's difficult and thought-provoking questions were artfully handled by both competitors. At the close of arguments, the panel declared Kimberly Quade—counsel for Mr. Irvin—the winner.

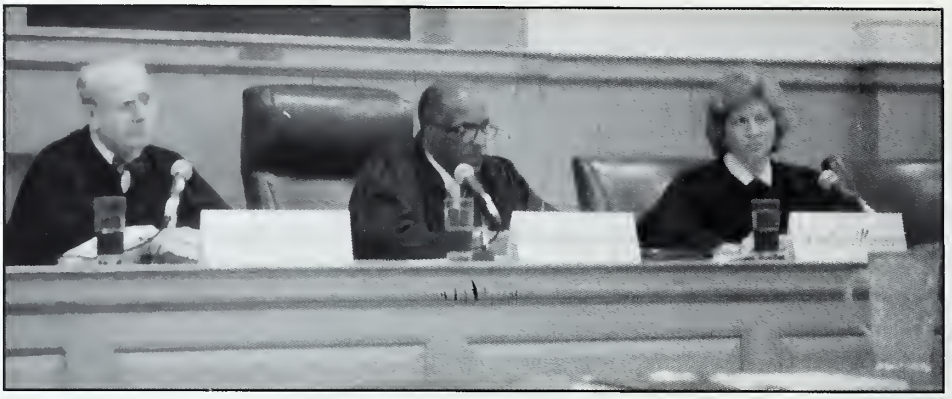


photo by Holmes

Stanley Competition Judges Richard Arnold, Nathaniel Jones, and Carol Los Mansmann.

The judges had nothing but praise for both competitors. Judge Jones, who served as the Chief Judge, commented that the demeanor of both finalists "was excellent, both responded to questions better than many attorneys" who have argued in his court. Judge Jones summarized the impressions of the entire panel by stating that "the quality of the finalists and the competition was quite impressive."

In addition to Quade and Sowers recognition for their outstanding performance, two other students won awards for their participation in the competition. M. Ty Pryor, a second-year student, received the James C. Berkowitz Award for Best Oralist. This award is presented each year in memory of Jim Berkowitz, a Wake Forest law student who died in an auto accident while on his way to argue in the quarterfinals of the 1984 Stanley Competition. In recognition of this achievement, Pryor was given a plaque, and will have his name inscribed on a permanent plaque hanging in the law school. Also, semifinalist Ann Maddox won the award for Best Brief in the competition.

Wake Forest is recognized as having some of the best trial and appellate teams in the nation. The law school's teams consistently place high in national competitions each year. The Stanley competition is just one example of the quality of education at Wake Forest, and helps guarantee our place among the country's best trial and appellate colleges.

By Bruce Jacobs, a second-year student from East Brunswick, NJ.

Benton Team Places 2nd in Nation

On October 24-28, 1991, the John Marshall School of Law hosted the National Moot Court Competition in Information Law and Privacy. Three Wake Forest students—Kimberley Whittle, Susan McNear, and Regina Robinson Boss, and Professor David Logan as coach traveled to Chicago to submit written briefs and make oral arguments. Wake Forest was one of 33 law schools participating in the competition.

The Benton team, led by team captain Kimberley Whittle, began preparing for the competition in early August. Early in the semester, they held 10 practice rounds judged by two faculty members. Other teams at the competition commented favorably on the strength of Wake's faculty members in helping the Benton team prepare for competition.

Wake Forest's team made it to the finals after defeating the University of Cincinnati. In the final round, Wake Forest fell to Villanova. Wake Forest did, however, win the award for Best Respondent's Brief. This brief will be published in the Software Law Journal. The team also brought home two trophies, form books, and $1000 for the school's scholarship fund. The judges involved in this competition included five justices of the Supreme Courts of Georgia, Minnesota, Wisconsin, Indiana, and Illinois.

By Aimee N. Richardson, a third-year student from Bonita Springs, FL.

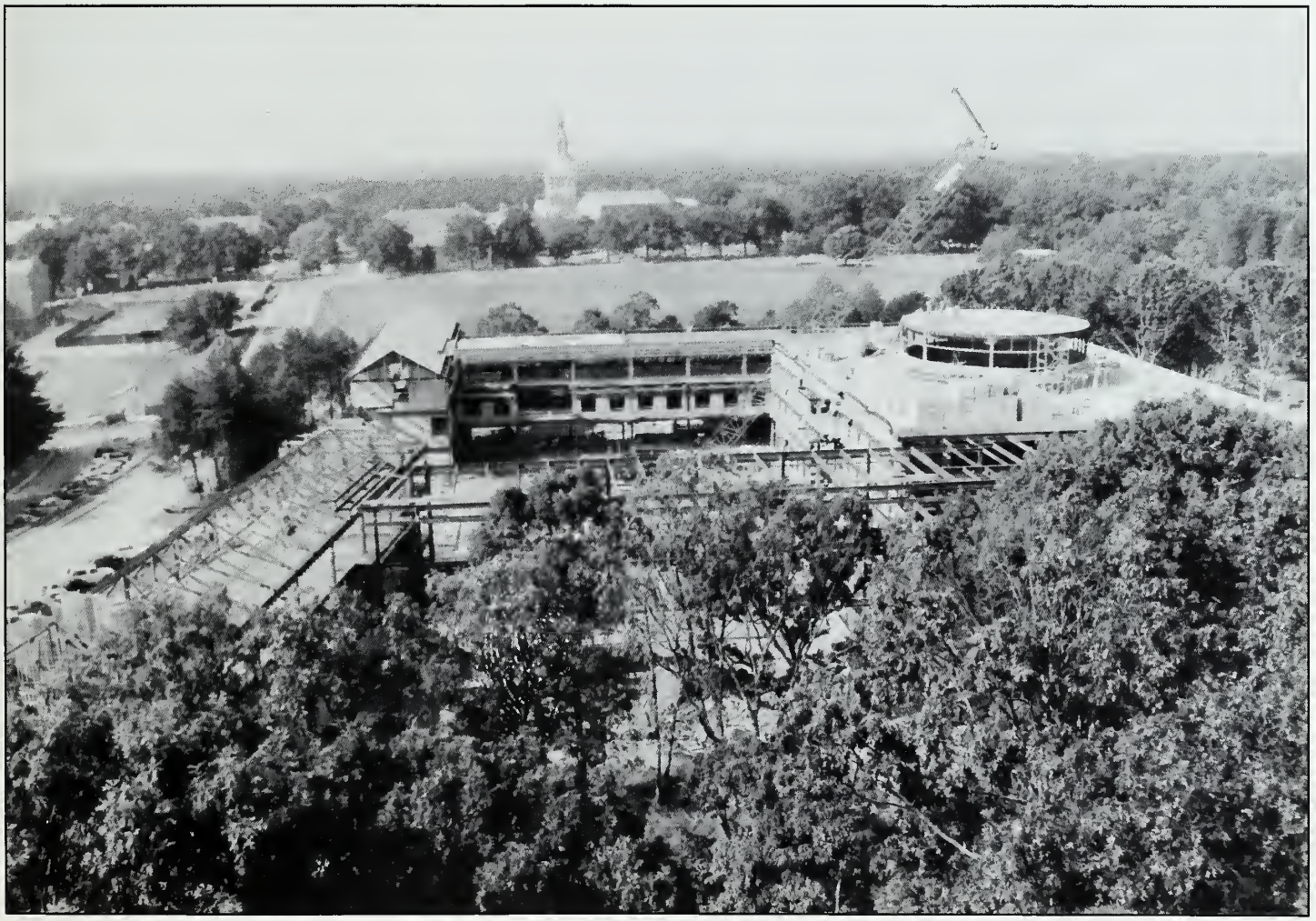
Progress Made on the Worrell Professional Center

Construction continues on the Worrell Professional Center. The Center will house the schools of law and management.

Construction crews are attempting to completely enclose the building before the onset of harsh winter weather. Crews are working to get the roof, walls, and windows in place to enclose the building. By enclosing the building, crews will be able to heat the building and continue interior work throughout winter. At this point, masonry work and roofing are progressing.

When complete, the law school will boast a 200 seat auditorium, two student lounges, two moot court rooms, and three seminar rooms. The computerized Legal Research and Instruction Center will have a network of sixty computers with Lexis, Westlaw, and word-processing capability. The library will be increased in size to around 250,000 volumes and feature a computerized card catalog system. There will be 400 study carrels.

The official dedication of the building will be in Spring 1993.



ALUMNI NEWS

Billings' Bold Initiative: Change Billable Hours!

On Thursday, October 10, 1991, the North Carolina Bar Association Task Force on Qualities and Value of Legal Services met in the Clifford Benson University Center at Wake Forest University. The task force met to discuss billing practices for North Carolina attorneys that will more closely reflect the value of services to clients than does the billable hour system currently used by many attorneys. On the Tuesday before that meeting, Rhoda B. Billings, president of the North Carolina Bar Association and professor of law at Wake Forest University School of Law, discussed the problems with the current billable hour system and why the task force is trying to determine if a better method exists. Billings stated that the ultimate goal of any change is to benefit clients by providing a more equitable billing system and to address concerns raised by the Report of the Quality of Life Task Force suggesting that the billable hour system causes stress for attorneys.

photo by Holmes

Professor Rhoda Billings

In order to understand the current problems, it is helpful to understand the development of the billable hour system. Prior to 1975, the billable hour system was used primarily by attorneys engaged in insurance defense work. Generally speaking, other attorneys often relied upon minimum fee schedules published by their respective county or state bar associations for guidance in setting fees for various services rendered. In fact, the state bar could sanction an attorney charging less than the minimum published fee as an ethical violation. In *Goldfarb v. Virginia State Bar,* 421 U.S. 773 (1975), however, the United States Supreme Court held that mandatory minimum fees violated the Sherman Antitrust Act (15 U.S.C. 1, et. seq. (1985)). Overnight, attorneys were left without guidance in setting fees. Almost simultaneously, corporate clients were demanding outside counsel to justify fees charged. Those separate events resulted in the proliferation of the use of the billable hour system.

Billings further stated that the billable hour system encourages inefficiency because the more hours an attorney bills, the more money that attorney makes. The only real limiting forces of such abuses are the attorney's integrity, client pressures to keep fees low, and the sheer workload placed upon the attorney. Even though the above constraints aid in checking the gross abuses, there are few affirmative incentives for lawyers to limit hours billed. For example, a client hires an attorney (A.1) to represent him in drafting a contract with a third person. A.1 drafts the contract and mails it to the third person's attorney (A.2). A.2 then drafts a different contract, mails it to A.1, and then A.1 and A.2 meet to hammer out a compromise. Billings suggests that rather than encouraging A.1 and A.2 to meet and work out a contract together, thus saving both clients money, the current system encourages the attorneys to continue sending "new" drafts back and forth rewarding inefficient, time-consuming attorneys and punishing efficient attorneys. The task force will be looking for ways to include in the billing decision more concern for the value of the service rendered to the client. Furthermore, a client rarely knows how much legal services will cost under a billable hour system, especially if the client's problem regards a legal issue never addressed before by the attorney. Clients dislike paying to educate the attorney only to have subsequent clients of that attorney reap the benefit of the education without also incurring the cost. For example, a client (C.1) comes to an attorney with a legal problem on which the attorney must spend 10 hours educating herself and 2 hours disposing of the problem. The next week, another client (C.2) comes into the attorney's office with the same problem and the attorney spends two hours handling it. C.1 is billed for 12 hours and C.2 is billed for 2 hours even though each client had the same problem and received the same final work product. On the other hand, a value billing system would allow the attorney to spread the cost of her 10-hour education to both clients and to any future clients with the same legal problem. One obvious disadvantage of such a system is that it requires the attorney to receive less money from the first client and risk nonrecoupment of costs. However, the result of a more constant, reliable billing system should be a more predictable fee charged to the client and, thus, more use of attorneys' services by middle-class persons currently estimating costs of such services at high levels. Should that result hold true, then attorneys should experience an increase in the quantity demanded of their services, and thus, generate more fees to recoup fees lost while educating themselves.

Finally, Billings noted that, at present, wealthy clients have the clout and economic leverage to control legal costs to a significant degree. Also, because of the ever-increasing generosity of the legal community, the amount of pro bono work performed by attorneys has increased legal services available to the poor. While there is certainly room for more pro bono work for the poor, the middle class is the group who has been scared out of the market for many legal services, except those absolutely needed, because of the uncertain costs involved. The task force is attempting to help those persons currently scared out of the market for legal services, but as Billings is quick to explain, the task force's goal is not to go back to an illegal price-fixing scheme.

The task force will not report for a number of months. It is just beginning its study and will probably exist for about two years. The task force is sensitive to the antitrust restraints on its efforts. It will be interesting to see if it can reach recommendations within those restraints that will meet the needs of the public and of attorneys. Only time will tell whether the final report will have a dramatic impact upon billing practices of North Carolina attorneys.

By John R. Green, Jr., a third-year student from Raleigh, NC.

Nineteenth Annual Partners' Day Banquet

On Friday, September 20th, the law school alumni kicked off their homecoming weekend with the annual Partners' Reception and Banquet. This year's banquet was held at the Clifford Benson University Center. Law school alumni were able to enjoy and tour the new facility right across the lawn in front of Carswell Hall.

Alumni who attended the festive dinner are a part of the Law School's Partners' Program. The Partners' Program was founded in 1972 to show appreciation for those alumni and friends who provide outside support for the operations of the law school. Over the past 19 years, this program has helped raise over $5,000,000.00 in gifts and grants, or the equivalent of $80,000,000.00 in endowment.

photo by Balthasar

Partners' Day Banquet

The Partners' Banquet began with an invocation by Professor James E. Sizemore ('52). Daniel W. Fouts ('58), president of the Law Alumni Council, welcomed alumni and friends to the gathering. Dean Robert K. Walsh recognized new contributors to the school—designated as Dean's Associates, Senior Partners, Managing Partners, and Partners.

One of the focal points of the evening was a special presentation by Dean Walsh of the Justice Joseph Branch Excellence in Teaching Award. The 1991 award went to Associate Dean H. Miles Foy, III. In thanking the alumni, friends, and faculty for the award, Dean Foy said, "It is I who should be giving an award to Wake Forest. . .The past seven years at Wake Forest have been most rewarding." Dean Foy, who is well-known and loved for his outstanding teaching skills and provocative lectures in Contracts and Uniform Commercial Code courses, was given a standing ovation by the attendees.

photo by Balthasar

Partners' Day Banquet

Another highlight of the evening was the address given by Edwin G. Wilson (B.A. '43), vice president for special projects for Wake Forest University. Wilson, also known as "Mr. Wake Forest," has a distinguished record of service to the university. From 1951 to 1960, he was a professor and administrator in the English department. In 1960, he became Dean of the College. From 1967 until 1991, he held the position of Provost of the University—its chief academic officer. To introduce Wilson, Dean Walsh read a fitting poem by William Butler Yeats, "What Then?"

Dr. Wilson's speech gave a verbal history of the five men he believes are the "heroes" that laid the moral foundation for Wake Forest University. Dr. Wilson began with Samuel Wait. Samuel Wait was a New York minister who purchased land for Wake Forest in 1834 with $2,000.00. In that year, Wake Forest had 16 students who lived in 7 cabins and attended classes in a carriage house. Because Samuel Wait came into a land amongst strangers to work for a noble goal, he stands for "courage."

Dr. Wilson's second Wake Forest "hero" is James Denmark. In 1875, James Den-

photo by Balthasar

Dean Miles Foy

mark was the first monetary giver to the college. He began a loan fund to enable students to attend an institution of higher learning. The loan fund began when he asked each faculty member to contribute $10 and each student to contribute $1. Today that loan fund has increased to over $1.5 million. For his generosity and foresight, James Denmark stands for "compassion."

Needham Y. Gulley, the founder of our law school, is Dr. Wilson's third "hero." In 1893, Needham Gulley established the law school, but was unable to find students for it. In 1894, two students enrolled, but one dropped out. For his perseverance and diligence in working for a success he might never have the opportunity to enjoy, Needham Gulley stands for "justice."

William Louis Poteat is Dr. Wilson's choice as another Wake Forest "hero." Poteat felt that a college had a responsibility to those outside of its boundaries. He believed that the deepest need was to be good, and after that to be intelligent. William Poteat stands for "freedom."

Dean Carroll Weathers, whom many law school alumni knew, was Dr. Wilson's last "hero." In speaking with Dr. Wilson, Dean Weathers advised him that in times of difficulty "you always do what is right." Dean Weathers believed that integrity is the best quality of a lawyer. For his unshrinking devotion to right, Dean Weathers stands for "integrity."

Courage, Compassion, Justice, Freedom, and Integrity. The outstanding persons who embodied these higher objectives formed the cornerstone of today's Wake Forest University.

By Aimee N. Richardson, a third-year student from Bonita Springs, FL.

photo by Balthasar

Partners' Day Banquet speaker, Edwin G. Wilson.

More Information on the Partners' Program

The Partners' Program is a series of giving clubs that alumni, parents, and friends of the law school may join. The program significantly helps the law school by funding scholarships and daily operating costs. In 1990-91, the Partners' Program contributed 60 percent of the total fund for the law school.

You may become a member of the Partners' Program by contributing at the following gift club levels:

—Dean's Associate $1,000.00 or more
—Senior Partner $750.00 to 999.00
—Managing Partner $ 500.00 to 749.00
—Partner $ 250.00 to 499.00

Law School Alumni Weekend

On Saturday, September 21st, law school alumni from around the country enjoyed festivities including the second annual Clinic Reunion Tailgate Party and an after-the-game reception at the Lawrence Joel Coliseum. Alumni met former classmates and professors, and shared the Wake Forest experience with their families and friends.

photo by Eady

Recent Wake Forest Law graduates

photo by Eady

Heather Buyrn (far right) with mother and father—a Wake Forest Law Alumnus.

photo by Eady

Law School Alumni from Class of '81

photo by Eady

Dean Walsh and law alums

Robert Elliot Receives NCBA Pro Bono Award

Each year, the North Carolina Bar Association awards a Pro Bono Service Award in order to "provide recognition to North Carolina lawyers who make extraordinary contributions through voluntary pro bono legal services to the poor. The recipient of the award is an attorney practicing in North Carolina, not employed on a full-time basis with an organization that has as its primary purpose the provision of free legal services to the poor, and either has provided direct delivery of legal services with no expectation of receiving a fee, or whose voluntary contributions have resulted in increased access to legal services on the part of low-income persons." The 1991 Pro Bono Service Award went to Robert "Hoppy" Elliot, an attorney with Elliot & Pishko in Winston-Salem.

Elliot attended Wake Forest School of Law, graduating in 1977. After a year long judicial clerkship, he went into practice with a small firm. He left this practice in 1988 to form the offices of Elliot & Pishko, and concentrates his current legal work in general litigation in employment law and civil rights and liberties law.

Although in order to survive in a modern law practice there must be some concern for the "bottom line," Elliot believes that the philosophy in his firm is that monetary compensation should not be *the* primary consideration. There are many other criteria involved when deciding whether to take on a particular case. For example, he states that most indigent capital criminal cases are usually undercompensated; however, a lawyer who takes one of these cases knowing he will spend many hours on a case involving a great deal of stress and emotional trauma is performing very valuable work for the community as a whole. Elliot performed over 60 hours in the past year of public interest legal work, and believes that the performance of this type of work is a significant goal of every member of his firm.

Elliot sees pro bono service as something that should be perceived as essential to the legal system. "Equal justice is not just a lofty goal," he stated, "it is imperative if we're going to have a responsive legal system." In the context of a time where the practice of law is becoming more and more expensive, and therefore more and more clients are becoming unable to pay for legal services, lawyers must be willing to step in. While they cannot take on every case without compensation, he thinks that when a lawyer recognizes important rights involved in a case where the person cannot afford representation, he/she should take over. The rationale behind this belief is that there are some tremendously important issues that are faced by *individuals*, and if they cannot gain representation they will be unable to gain redress for their rights, thus widening the already present gap in services and civil work for lower-income citizens.

Elliot stated that it is important that every law firm, regardless of size, do some of this type of work, and he thinks that most of them do. He further believes that if at some point it is recognized by the North Carolina Bar Association that these services are *not* being provided, then a mandatory standard should be set for a certain required performance of pro bono service by every lawyer in the state.

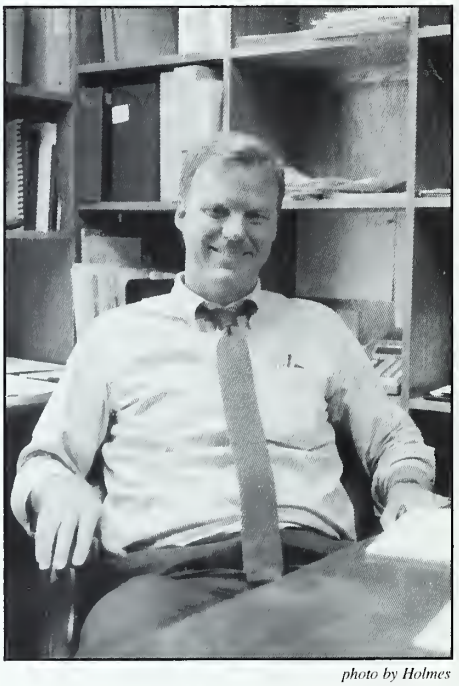


photo by Holmes

Robert Elliot winner of NCBA Pro Bono Award

As far as law students are concerned, Elliot said that while he knows of some students who are concerned and want to help perform pro bono service, as a whole they may not be encouraged enough in this area. He believes that law schools should provide opportunities and encourage students to work with lawyers who do pro bono work as much as they provide opportunities and encourage students to work for the large corporate firms. However, this incentive must come primarily through individual professors and the students themselves.

"Students sit in classes for three years, and if all they hear is how admirable a lawyer is because he takes a big case and is able to set a big fee, then that's got to have some effect on their own self-esteem," he stated. "But if what the professors and other students emphasize is the importance of doing work that means something to society, whether it's compensated or not, then we can build a different kind of self-esteem."

This emphasis is necessary because of the perception of many law students that achieving the highest level of success means working for a large firm in a very highly compensated practice. In Elliot's opinion, however, the lawyer who makes a lower salary but spends countless hours doing work for people who could not otherwise obtain legal assistance has made an accomplishment that cannot be equaled by a multi-million dollar verdict, and is therefore *more* successful.

Elliot believes that without pro bono service, our legal system loses its value. "Our society distinguishes itself in two ways—our Constitution with the Bill of Rights and our legal system—and we can't have one without the other. Today, when the Supreme Court is eroding individual rights under the Constitution, the legal system has to take up the slack and push for the right to go to court, present issues and get relief. This is pro bono service, and it is absolutely essential to a vital, free society."

By Barbara Smith, a second-year student from Charlotte, NC.

Manlin Chee Receives 1991 ABA Pro Bono Publico Award

Manlin Chee, winner of 1991 ABA Pro Bono Publico Award, seated with Justice Sandra Day O'Connor.

Manlin Maureen Chee is a 39-year-old Greensboro attorney who specializes in immigration, business and corporate work, Social Security benefits, domestic and civil litigation. Chee is originally from Singapore. She came to the United States in 1969, and attended Guilford College and Wake Forest University School of Law.

This summer at the American Bar Association National Conference in Atlanta, Georgia, Manlin Maureen Chee received the 1991 Pro Bono Publico Award. She was one of five attorneys in the country to be recognized for her efforts "to enhance the human dignity of others through improving or delivering volunteer services to our nation's poor. . . ." After receiving the award, Chee spoke about her background and her commitment to helping indigents and aliens. The New York Times reported that Chee was the only one of the five recipients "who moved many of her listeners, including Justice Sandra Day O'Connor, to tears. . . ." Printed below is Chee's story and her message.

Many years ago, I asked my parents to send me to the United States for an American education. I wanted to taste American ice cream; I wanted to see the land of the Beach Boys and Walt Disney; and I wanted the American education of John F. Kennedy and Pearl S. Buck.

On the way to the airport, my father, who was driving the car, said to me, "You know, America is a great country, not because they dropped the bomb on Japan and freed us from the Japanese; America is a great country not because they will soon put a man on the moon; America is a great country because America looks after the weakest American. I want you to go over there and find out how they do it."

In the years that I have spent in America, I have seen much misery and poverty.

I have seen the homeless and then I see lawyers all over Greensboro, North Carolina, and across the nation who work for Habitat for Humanity. They search titles so that the homeless could have a home.

And I have seen the hungry, and then I see lawyers in North Carolina and across the country who work to make sure the government agencies process them for food stamps on an emergency basis and within the time limits that the law allows.

And I have seen the mentally ill and I have seen the mentally retarded; and then I see lawyers in North Carolina and again the nation who remind the bureaucracy that the paperwork generated are for treatment plans and not to move them out of the institutions.

And then I see the aliens who come across our borders from hopeless situations—we call them the wretched refuse of the teeming shores. And then they end up in camps here without representation, they end up in detention centers for years. And then I am so inspired by the immigration bar across the country, who encouraged me and other lawyers like me to take on the xenophobic bureaucracy who try to limit their rights, interpret the laws narrowly, so that they do not stand a chance to breathe free in this country.

My father died last year. I was able to tell him, "Dad, you sent me to the United States for an American education; I am sorry that I did not come back. But Dad, I found out how America does it. It is the American lawyer. I am so proud to be an American lawyer."

I am so proud to be here before you today. Thank you very much.

Trial Tips from Norman Kellum

On September 13, 1991, the law school had the opportunity to hear from one of North Carolina's most talented trial lawyers, Norman B. Kellum, Jr. shared some of his views on, and techniques for, successful litigating. Kellum received his undergraduate and law degrees from Wake Forest University in 1965 and is a partner of Beaman, Kellum, Hollows & Jones in New Bern, North Carolina.

He began his discussion with some history about Wake Forest. Kellum explained that Wake Forest was opened as a manual institute of higher learning. The students worked in the fields for half of the day and went to classes after the work was done. The law school had a very strict standard for acceptance: to get in, you had to be a gentleman. Kellum stressed the personal attention that every student receives as a rare characteristic of a law school, making Wake Forest worth the extra tuition, and worth strong contributions as alumni.

Kellum went on to speak about success. He said that grades don't reflect one's capacity for success. "Hard work is what will determine how well you do in the practice of law, and one other thing. . .Don't be an arrogant jerk!" Kellum said that lawyers must be accessible to people and not insulate themselves. Lawyers must never act like they are better than anyone else, and should never use "legal words." He explained that lawyers use words to make money, "but if we're going to convey ideas we must use the language of the audience."

Kellum's first trial tip was visualization. He said that a lawyer must go to the scene where the incident occurred, and have the parties act out what happened. Then he or she must attempt to recreate the scene for the jurors so that they all have the same image in their minds. Exhibits don't have to be elaborate or expensive to be effective.

Kellum then explained how to deal with expert witnesses (hire your own and have him explain things to you in language a sixth grader could understand); how to control an adverse witness (timely objections, effective even when they are overruled); and how to deal with a surprise witness ("No questions at this time"). He described what a lawyer wants to get out of a cross examination through a list of absolutes. Examples of these are: don't let your associate or client interrupt you while you are cross-examining a witness; if nothing will be gained by a cross-examination, don't do it; when you get a favorable answer, move on to something else, and never ask a witness "Why?" unless you don't care why, or you already know the answer.

Kellum went through the importance of the jury selection and argument. He explained that a lawyer must know his defense before jury selection and ask specifics about that defense. He showed how a lawyer can use one prospective juror to educate the others. As for the closing argument, "Whatever you said you'd do in opening, if you didn't, you will lose." He suggested that a lawyer should start at the beginning, go through the entire case, and end with an emotional pitch.

Finally, Kellum explained that the practice of law is called a practice because it is an art that can't be perfected. No two situations will ever be exactly the same, and no formula can ever be applied. Those who do not have the ability to practice try to apply law like a science. He urged students to be creative in their practice of law.

By Susan Hudson, a second-year student from New Bern, NC.

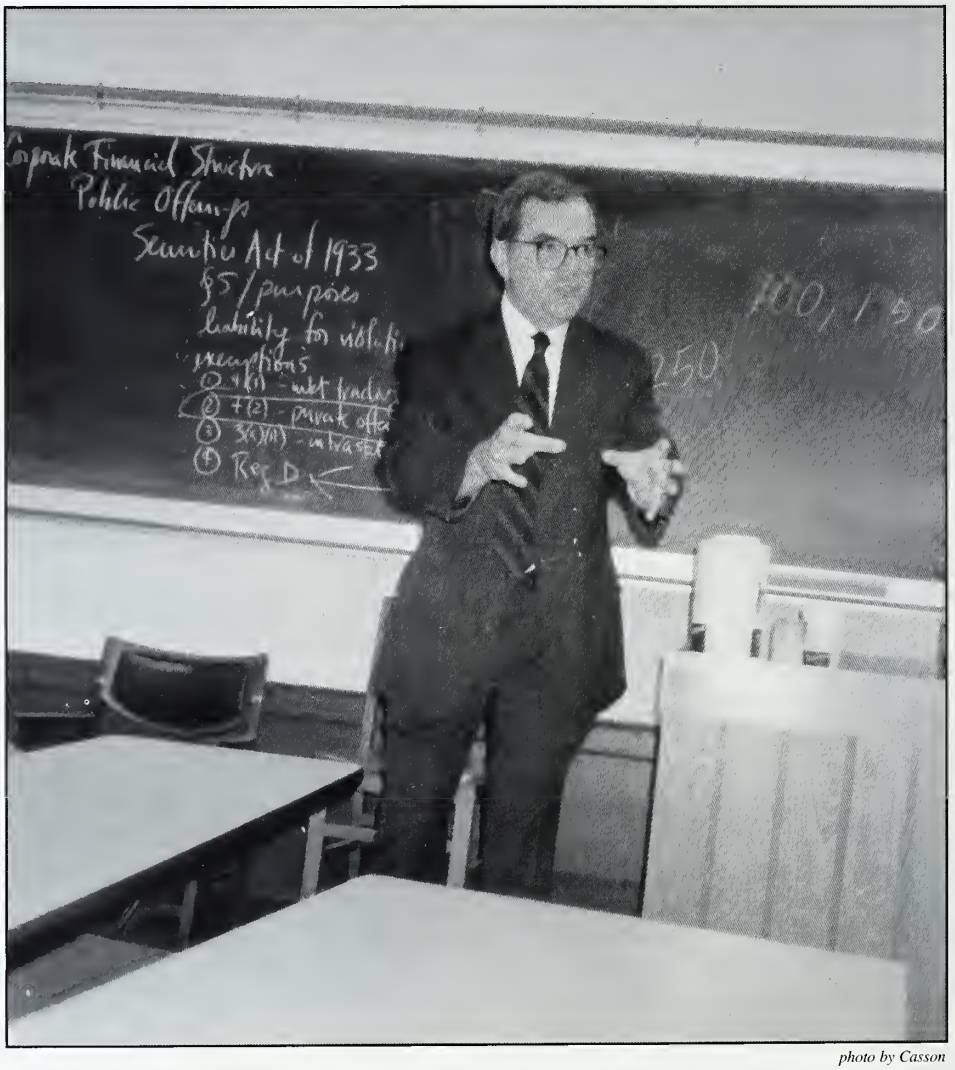


photo by Casson

Norman Kellum

LEGAL ARTICLE

The "Right To Die" in North Carolina: Where Are We Heading?

*C. Ann Potter**

Ann Potter

> The day will come when people will be able to carry a card, notarized and legally executed, which explains that they do not want to be kept alive beyond the humanum point, and authorizing the ending of their biological processes by any of the methods of euthanasia which seems appropriate. Suicide may or may not be the ultimate problem of philosophy, as Albert Camus thought it is, but in any case it is the ultimate problem of medical ethics.[1]
>
> Rev. Joseph Fletcher (1973)

On July 11, 1991, North Carolinians may well have reached the day Fletcher prophesied with the enactment of House Bill 821, entitled "An Act to Establish an Additional Method for an Individual to Designate an Attorney-in-Fact to Make Health Care Decisions and to Amend the Natural Death Act."[2] In its August 1991 newsletter, the Hemlock Society of the Piedmont touted House Bill 821 as "the most modern legislation on passive euthanasia in the nation."[3]

Many of the bill's proponents who do not adhere to the Hemlock Society's philosophy wince when characterizations of their handiwork employ the word "euthanasia." Like a number of other living will statutes, the North Carolina statute, first enacted in 1977, contains a clause disclaiming any intent to legalize or otherwise endorse mercy killing.[4] Society seeks somehow to differentiate between "death with dignity" and "self-determination" on the one hand and "euthanasia" on the other. Since Reverend Fletcher espoused his views in 1973, however, courts and legislatures have tended to draw specious distinctions while creating a legal climate favorable to "the intentional killing, by omission or direct action, of those whose lives are considered of insufficient value to maintain."[5] This article proposes that North Carolina's House Bill 821 follows this trend and suffers from the problems endemic to living will and health care power of attorney legislation.

While this short article cannot provide a meaningful discussion of the principles underlying the legal protections against suicide and euthanasia in American and British jurisprudence, it recognizes that those principles do exist[6] and demonstrates that recent case law and living will and health care power of attorney legislation, such as House Bill 821, have eroded those principles. Section I of this article addresses the more celebrated right to die cases. Section II explains the North Carolina living will and health care power of attorney statutes. Section III addresses how living will and health care power of attorney legislation (referred to collectively as "advance directives legislation") weakens the legal prohibition of euthanasia. While it is easy to support the goal of reduced human suffering, we must examine the public policy proposals that are being advanced in our state and others to ascertain where we are heading and to inquire if "bolstered by the rhetoric of compassion, common sense, and death with dignity, we will see a new practice, which can ominously be called 'kill the dying.' "[7]

I. The Right to Die and the Courts

Since the New Jersey Supreme Court permitted the withdrawal of a respirator from Karen Quinlan in 1976,[8] state courts have generally concluded that terminally ill patients possess the right to forego at least some forms of life-sustaining treatment. This right has been viewed as an outgrowth of the federal and state right of privacy or more frequently as a corollary to the right to give informed consent.[9] At the same time, state courts have undermined state law protections against euthanasia such as the state's traditionally recognized interest in life and the rejection of altruistic motives as a defense to homicide. Whether *In re Quinlan* was decided rightly or wrongly, hindsight reveals that the reasoning in the case prepared the ground for the doctrinal foundations of euthanasia.[10]

In *Quinlan,* the New Jersey Supreme Court issued a series of rulings. The court held that Karen Quinlan, who was in a persistent vegetative state,[11] had a right to terminate treatment based on her federal constitutional right of privacy; that the state's interest in the preservation of life "weakens. . . as the degree of bodily invasion increases and the prognosis dims[;]" and that the only way to prevent Karen from losing her constitutional right due to her incompetence was to allow her guardian and family to decide how she would exercise it.[12] By these findings, the *Quinlan* court provided a legal scheme that makes at least passive euthanasia palatable because it makes it "voluntary."[13] If a "right to die" is given constitutional protection, and if a third party can exercise that right on behalf

of an incompetent patient by imputing to that patient a desire to die, then by implication, all persons have a right to receive "voluntary" euthanasia, even if they do not request it.[14]

The *Quinlan* court's reasoning in its discussion of homicide further assailed one of the principal bulwarks against euthanasia. The court stated that since Karen's death would result from her inability to breathe, it would not constitute homicide. That reasoning in itself posed no particular threat, but the court continued: "[E]ven if it were regarded as homicide, it would not be unlawful."[15] The common law has traditionally rejected the argument that altruistic motives ever excuse homicide.[16] Yet, the New Jersey Supreme Court in 1976 contravened that principle by suggesting that constitutional protection for intentional acts of killing may exist.

In *Quinlan* the New Jersey Supreme Court dealt with the removal of a respirator from an unconscious patient. Nearly ten years later in *Matter of Conroy,*[17] it addressed the withdrawal of nutrition and hydration from an "awake and conscious" 84 year-old incompetent patient suffering from a terminal illness that would cause death within a year. The court stated that where a patient in Claire Conroy's condition has executed clear directives, all life-sustaining care may be removed from the patient, including nutrition and hydration.[18] In addition, the court stated that where a patient in Claire Conroy's condition has not clearly expressed health care desires, a surrogate may exercise substituted judgment on behalf of the patient with the concurrence of a state official known as the Ombudsman for the Institutionalized Elderly.

The court in *Conroy* set up two "best interests tests" to guide a surrogate's exercise of substituted judgment. The "limited-objective test" applied when there was some trustworthy evidence of the patient's wishes,[19] and the "pure-objective [sic] test" applied when there was no such evidence. Under both tests, the court directed the surrogate decision-maker to weigh the burdens of the patient's continued life with the treatment against the benefits that the patient derived from that life.[20]

Conroy vitiated the legal prohibitions against euthanasia in two ways. First, it forthrightly legalized passive euthanasia for a small category of patients. Under *Conroy,* if a patient expressed his desires or met one of the best interest tests, health care providers could cease all life-sustaining care, including nutrition and hydration. Second, it embraced a benefit/burden analysis that subtly thwarted the state's interest in preserving life and promised to make proscription of euthanasia increasingly difficult. The common law has traditionally recognized that the state has an interest in preserving life that must be balanced against a patient's common law and constitutional right to refuse medical treatment.[21] But since *Quinlan,* the state's unqualified interest in life has been subtly recast as an interest in the quality of life.[22] The court declared in *Conroy* that it was not authorizing anyone to decide "that someone else's life is not worth living simply because. . . the patient's 'quality of life' or value to society seems negligible."[23] However, the court authorized decisions to be made on the basis of the "net burdens" and "benefits" of a patient's life. The court defined burdens in terms of pain and suffering and benefits in terms of "physical pleasure, emotional enjoyment, or intellectual satisfaction."[24] Once the court invited a focus on the patient's prognosis and interaction with her environment, its attempt to denounce a "quality of life" analysis became spurious.

In two later cases, *In re Peter*[25] and *In re Jobes*[26], the New Jersey Supreme Court limited *Conroy* to its facts, relied more heavily on *Quinlan,* and focused more directly on the patient's quality of life. Hilda Peter and Nancy Jobes were each in a persistent vegetative state. The *Peter* court limited *Conroy's* limited-objective and pure-objective tests to " 'elderly, formerly competent patients. . . who. . . are awake and conscious and can interact with their environment to a limited extent. . . .' "[27] The court insisted that for a patient in a persistent vegetative state, a different analysis should apply. "[The] focal point. . .should be the prognosis as to the reasonable possibility of return to cognitive and sapient life, as distinguished from the forced continuance of biological vegetative existence. . . ."[28] The *Peter* court concluded that the patient would have wanted her feeding tube withdrawn but asserted that under *Quinlan,* interested parties need not provide clear and convincing evidence of a patient's desires but instead need only render their own best judgment.[29] The *Jobes* court found that there was insufficient evidence from Ms. Jobes' prior statements to find that she would want her feeding tube withdrawn but allowed family members to make a substituted judgment on her behalf.[30] In essence, the New Jersey court held that the family and guardians of a patient in a persistent vegetative state may starve and dehydrate the patient if there is no prognosis of recovery to a cognitive sapient state.[31]

Quinlan, Conroy, Peter and *Jobes* illustrate how the New Jersey Supreme Court's reasoning has abraded the legal protections against euthanasia, but most state courts deciding right to die cases since *Quinlan* have embraced similar reasoning. The California Court of Appeals' opinion in *Bouvia v. Superior Court*[32] constitutes one of the most forthright judicial acknowledgements yet of an absolute right to die based on a quality of life analysis.[33] Ms. Bouvia, a quadriplegic afflicted with severe cerebral palsy, sought to prevent a public hospital from feeding her through a nasogastric tube.[34] Since Ms. Bouvia consumed a partially liquid diet, it was not clear that her intent was to commit suicide, but the court imparted to Ms. Bouvia an absolute constitutional right to refuse medical treatment, including nutrition and hydration, even if her intent was to cause death.[35] The court concluded that Ms. Bouvia could hasten her death on the basis of her perception of a poor quality of life.

> Her mind and spirit may be free to take great flights but she herself is imprisoned and must lie physically helpless subject to the ignominy, embarrassment, humiliation and dehumanizing aspects created by her helplessness. We do not believe it is the policy of this State that all and every life must be preserved against the will of the sufferer.[36]

The court dismissed the state's interest in preventing suicide. Moreover, the court stated that "a desire to terminate one's life is probably the ultimate exercise of one's right to privacy."[37]

Unlike the patients in many right to die cases, Ms. Bouvia was competent, but her mental state had little bearing on the most significant aspect of the court's opinion. The court's characterization of the quality of Ms. Bouvia's existence as ignominious opened the door for similar negative quality of life analyses for persons with disabilities. While Ms. Bouvia suffered great pain as a result of her condition, the court's analysis centered on the humiliation and dehumanizing aspects of her helplessness. The appellate panel in *Bouvia* implied that any state policy attaching intrinsic value to life regardless of handicap will not be permitted to impede the right to terminate life. This type of reasoning forms the doctrinal foundation for legalizing euthanasia.[38]

Like a voice crying out in the darkness, Justice Lynch of the Massachusetts Supreme Court recognized the perilous course charted by the state courts in his dissent in *Brophy v. New England Sinai Hospital.*[39] The majority approved the withdrawal of a feeding tube from a patient in a persistent vegetative state at the request of his family. In dissent, Justice Lynch wrote that

> [t]he withdrawal of the provision of food and water is a particularly difficult, painful and gruesome death; the cause of death would not be some underlying physical disability like kidney failure or the withdrawal of some highly invasive medical treatment, but the unnatural cessation of feeding and hydration which, like breathing, is part of the responsibilities we assume toward our bodies routinely. Such a process would not be very far from euthanasia, and the natural question is: Why not use more humane methods of euthanasia if that is what we indorse?[40]

No discussion of the most notorious right to die cases can conclude without a discussion of *Cruzan v. Director, Missouri Dep't Health.*[41] However, *Cruzan's* holding is much more limited than is often suggested. *Cruzan* did not hold that there is a constitutional right to die. In *Cruzan v. Harmon,*[42] the Supreme Court of Missouri held that no person can assume an incompetent's right to refuse life-sustaining treatment in the absence of the formalities required by the state's living will statute or clear and convincing evidence of the incompetent's wishes.[43] The only issue before the United States Supreme Court when it granted certiorari was whether Missouri could impose the clear and convincing evidence standard. Ultimately, the Court held only that the United States Constitution did not forbid the state's establishment of such a procedural requirement.[44]

What the Court did not decide in *Cruzan* is significant. In responding to the petitioners' argument that the forced administration of life-sustaining medical treatment and even artificially-delivered food and water would implicate a competent person's liberty interest, the Court stated:

> Although we think the logic of the [state] cases discussed above would embrace such a liberty interest, the dramatic consequences involved in refusal of such treatment would inform the inquiry as to whether the deprivation of that interest is constitutionally permissible. But for purposes of this case, we assume that the United States Constitution would grant a competent person a constitutionally protected right to refuse life-saving hydration and nutrition.[45]

The Court "assumed" but did not hold that a competent person has the right to refuse life-saving nutrition and hydration. The Court could not so hold since the *Cruzan* case did not present the issue. Furthermore, the Court did not decide whether a state may be required to defer to a surrogate appointed by an incompetent patient. Instead, the Court specifically stated that the case did not raise the issue.[46]

The majority opinion in *Cruzan,* therefore, has little to do with the trend that this article examines because it avoids the issues that the state courts have grappled with in cases since *Quinlan.* Nevertheless, the concurring and dissenting opinions in *Cruzan* convey a great deal about each Justice's perspective regarding the issues generally raised in right to die cases, and some of those comments merit brief consideration.

Justice Scalia observed that "American law has always accorded the State the power to prevent, by force if necessary, suicide—including suicide by refusing to take appropriate measures necessary to preserve one's life."[47] He rejected the distinctions that the petitioners attempted to draw between Nancy Cruzan's case and that of ordinary suicide. First, he noted that suicide had traditionally been rejected even when committed to avoid the ills that a person lacked the fortitude to endure. Second, he asserted that the line between action and inaction had been rejected. Third, he pointed out that interference with bodily integrity was impermissible "only if one begs the question whether. . . refusal to undergo. . .treatment. . . is suicide. It has always been lawful not only for the State, but even for private citizens, to interfere with bodily integrity to prevent a felony."[48] While Justice Scalia acknowledged that states are free to adopt the view that choices about death belong to individual conscience, he noted that the Constitution does not impose that view.[49]

The two dissenting opinions contrast with Justice Scalia's position. Justice Brennan, joined by Justices Marshall and Blackmun, suggests that it is none of the state's business if a person wants to commit suicide.[50] "Nancy Cruzan has a fundamental right to be free of unwanted artificial nutrition and hydration, which right is not outweighed by any interests of the State. . . Nancy Cruzan is entitled to choose to die with dignity."[51] Justice Stevens dismissed Missouri's interest in life because he questioned whether Nancy Cruzan was even alive in a "constitutional sense."[52]

> Nancy Cruzan is obviously 'alive' in a physiological sense. But for patients like Nancy Cruzan, who have no consciousness and no chance of recovery, there is a serious question as to whether the mere persistence of their bodies is *'life'* as that word is commonly understood, or as it is used in both the Constitution and the Declaration of Independence.[53]

Consider the possible impact of this reasoning. If "life" in the Constitution has some meaning other than its biological meaning, then what beyond biological life is necessary to constitute "life" in the constitutional sense? Does the protection of "life" in the constitutional sense require a minimum level of self-awareness or does it require more—such as a certain level of intelligence or a certain degree of usefulness to society?[54] The dismantling of the State's interest in life and the tendency of courts to adopt a functional definition of life inevitably favors the euthanasia movement.

Life support technology, offering the ability to keep some patients alive almost indefinitely, has unquestionably blurred a once well-defined line between life and death. However, in an attempt to distinguish homicide from legitimate withdrawals of treatment from dying patients, the courts have effectively vitiated legal safeguards against the termination of lives of terminally ill patients whose lives are deemed of insufficient quality to maintain. The law has never required treatment for patients that did little more than impede imminent death. But excessive treatment for terminally ill patients was not at issue in the right to die cases discussed above. Instead, in *Peter, Jobes, Bouvia, Brophy,* and *Cruzan,* (1) the patients were not "dying" but had normal life expectancies in spite of their conditions; (2) the cases involved the withdrawal of nutrition and hydration, which is not burdensome or useless in keeping the patient alive; and (3) the withdrawal of treatment was intended to cause death. Therefore, these cases charted a new course significantly different from that of previous cases.

The state courts are not solely responsible for fostering new attitudes in the area of right to die law. State legislatures have nurtured an environment favorable to euthanasia with advance directives legislation.[55] Before discussing the threat posed by advance directives in general, however, this article will summarize the principle components of the North Carolina living will and health care power of attorney statutes.

II. The North Carolina Living Will Statute and Health Care Power of Attorney

North Carolina, like many states, adopted a statute in the late 1970s to recognize living wills as legally enforceable.[56] House Bill 821 expanded the applicability of the living will statute to patients in a persistent vegetative state and allowed for the withdrawal of artificially administered nutrition and hydration from qualified patients. The living will statute as it now reads contains several significant provisions.

An attending physician can rely upon a patient's declaration that he does not wish his life prolonged by "extraordinary means or artificial nutrition or hydration, as specified by the declarant"[57] if the declaration meets the criteria specified in the living will statute.[58] The definition of "extraordinary means" includes "any medical procedure or intervention which in the judgment of the attending physician would serve only to postpone artificially the moment of death by sustaining, restoring, or supplanting a vital function."[59]

Physicians may rely on the declaration only in a specific set of circumstances. The declarant's attending physician and a second physician must determine that the declarant's condition is "terminal; and incurable; or diagnosed as a persistent vegetative state."[60] "Terminal and incurable" is not defined. "Persistent vegetative state" is defined as a "medical condition whereby in the judgment of the attending physician the patient suffers from a sustained complete loss of self-aware cognition and, without the use of extraordinary means or artificial nutrition or hydration, will succumb to death within a short period of time."[61] House Bill 821 added "persistent vegetative state" to the living will statute because patients in a persistent vegetative state could not be considered "terminal and incurable." Although they are nonresponsive, their life spans are fairly normal if they are provided basic sustenance.

Curiously, the living will statute does not state that the declarant must be incompetent before the living will is invoked. Undoubtedly, there will be patients with "terminal and incurable" conditions who have signed living wills authorizing the withdrawal of care but who retain the competency to make health care decisions. Presumably, however, these patients may prevent physicians from withdrawing extraordinary means or artificial nutrition or hydration by revoking their living wills.

In addition to providing for legal recognition of a declaration, North Carolina provides for withdrawal of extraordinary means or artificial nutrition or hydration in the absence of a declaration. This provision applies "[i]f a person is comatose and there is no reasonable possibility that he will return to a cognitive sapient state or is mentally incapacitated," and the attending physician and a second physician determine that the person's condition is terminal and incurable, or diagnosed as a persistent vegetative state.[62] Because the conditions under which this provision applies are written in the disjunctive, the statute seems to allow the withdrawal of extraordinary means or artificial nutrition or hydration from a patient who is mentally incapacitated and suffering from a terminal and incurable condition regardless of whether he is comatose and unlikely to return to a cognitive sapient state. Moreover, nothing requires that the patient's mental incapacity be permanent. Perhaps this was not the drafters' intention, but it is a fair reading of the statute.

Before acting under this section, however, the attending physician must obtain the concurrence of (a) the person's health care agent appointed pursuant to a health care power of attorney, (b) a guardian of the person, (c) the person's spouse, or (d) a majority of the relatives of the first degree, in that order. If none of these are available, then the attending physician may order extraordinary means or artificial nutrition or hydration withheld upon his own direction and under his own supervision.[63]

The health care power of attorney statute created by House Bill 821 forms a new article in the general power of attorney chapter of the North Carolina General Statutes. The new statute provides that any person 18 years of age or older who has the understanding and capacity to make and communicate health care decisions may execute a

health care power of attorney. Any competent person who is not engaged in providing health care to the principal for remuneration, and who is 18 years of age or older, may act as a health care agent.[64]

The health care agent has broad authority in making health care decisions for the principal:

> A principal. . . may grant to the health care agent full power and authority to make health care decisions to the same extent that the principal could make those decisions for himself or herself if he or she had understanding and capacity to make and communicate health care decisions, including without limitation, the power to authorize withholding or discontinuing life-sustaining procedures.[65]

This broad grant of authority is limited only by "any lawful guidelines or directions relating to the health care of the principal as the principal deems appropriate."[66] The health care power of attorney statute defines "life-sustaining procedures" to include care or treatment which serves only to "artificially prolong the dying process."[67] The definition specifically includes "artificial nutrition and hydration" but excludes "care necessary to provide comfort or alleviate pain."[68]

A health care power of attorney is not effective until the physician designated by the principal determines that the principal lacks sufficient understanding or capacity to make or communicate decisions relating to the principal's health care. Once the health care power of attorney goes into effect, it continues in effect during the principal's incapacity.[69]

So long as the principal is capable of making and communicating health care decisions, he may revoke the health care power of attorney in any manner in which he is able to communicate his intent to revoke. The revocation will not become effective, however, until it is communicated to each health care agent named in the revoked health care power of attorney and to the principal's attending physician.[70]

Both the living will statute and the health care power of attorney statute protect health care providers who rely in good faith on the living will or the health care power of attorney. Any person, institution or facility against whom criminal or civil liability is asserted because of the conduct described in either the living will statute or the health care power of attorney statute may interpose the respective statute as a defense.[71]

III. Impact of Living Wills and Health Care Powers of Attorney

On their face, advance directives, including living wills and health care powers of attorney, provide an opportunity for an enforceable expression of a patient's wishes after the patient becomes incompetent. When perceived in this light, legislation on advance directives can arouse little criticism since it seems to merely codify the principles of informed consent and agency law. Americans remain quite attached to their "right to self-determination" and anything appurtenant to it. Advance directives, however, are laden with potential for abuse. Therefore, there is reason for skepticism when advance directives are touted as the panacea for the perceived indignities of an artificially sustained life.

Traditionally, patients have exercised their right to self-determination with respect to medical treatment through the laws of informed consent. Contrary to the normal practice of medical informed consent, however, living wills are non-specific and are most often signed at a time remote from their enforcement. In North Carolina, for example, the living will statute allows the withdrawal of extraordinary means. "Extraordinary means" are defined in the statute as described in Section II, but the definition provides little more specificity than the term itself. Furthermore, given the impossibility of contemplating all the factors that will be operative at the time that a living will becomes effective and the impossibility of anticipating advances in medical science, the most detailed living will may be virtually useless as a guide to care givers who must interpret it at some time in the future.[72] In short, comparing a living will to an informed consent document is like arguing for the enforceability of a surgical consent form reading "I hereby authorize whoever is on call to perform whatever surgery is necessary to correct any problem he or she may discover at any time, exercising at all times his or her best judgment."

The analogy between living wills and informed consent, though appealing, fails upon close examination. Since living wills offer little guidance to physicians making treatment decisions, it is questionable whether they preserve the patient's self-determination or merely ease the way for physicians, families and institutions to cease efforts at prolonging life once a patient becomes unable to make decisions for himself.[73] A recent Florida case suggests the latter. In *In re Guardianship of Browning*,[74] the Florida Supreme Court authorized the withdrawal of a nasogastric tube from a non-comatose stroke victim who had signed a living will specifying that she did not want artificial nutrition or hydration provided if her condition was "terminal" and her "death [was] imminent." The court decided that Ms. Browning's condition was "terminal" not because, like Claire Conroy, she was expected to die shortly from her condition, but because *if* her feeding tube were withdrawn she would die.[75] Applying similar reasoning, a court could hold that all patients on artificial nutrition or hydration are "terminal" since they would die without nutrition and hydration. If patients with "terminal" conditions was generally understood to include all those who will die without artificial nutrition or hydration, then the North Carolina legislature would not have had to add "persistent vegetative state" as a separate qualifying condition in the living will statute. While ostensibly relying on the patient's living will, the Florida court permitted a patient's family to cease the patient's care by distorting language in the patient's living will.

The broad grant of authority in the North Carolina health care power of attorney statute is open to significant abuses. For example, the form provided in the statute suggests language that would allow the health care agent to withdraw life-sustaining procedures only when a phy-

sician determines that the principal is "terminally ill, permanently in a coma, suffer[ing from] severe dementia, or. . . in a persistent vegetative state."[76] However, the form is a "nonexclusive method for creating a health care power of attorney" in North Carolina.[77] Unless the principal specifically states otherwise, nothing in the health care power of attorney statute in North Carolina prevents a health care agent from authorizing withdrawals of life-sustaining care from non-terminal, non-comatose, or non-demented patients.

More important than the potential for abuse in the North Carolina statutes, the language of and propelling forces behind advance directives in general tend to skew a patient's decision in the direction of refusing medical treatment. Neither health care powers of attorney nor living wills are written in terms of care that the patient wants to be provided but in terms of care that the patient rejects. In part, advance directives stem from the premise that the over-treatment of terminally ill or profoundly impaired patients is inimical to the interests of those patients.[78]

In the current cost-containment environment of health care, the over-treatment perspective may open advance directives to abuse.[79]

> [C]ost containment strategies may impose significant financial penalties on those who provide prolonged care for the impaired elderly. In the current environment, it may well prove convenient—and all too easy—to move from recognition of an individual's "right to die". . . to a climate enforcing a "duty to die."[80]

There is a movement toward the rationing of expensive health care. "We have already begun to spend too much money on one age group (older persons) in comparison with the needs of other age groups. . . ."[81] As a result, we are being called to "justify an increasing proportion of the gross national product going toward health care when so many other areas of our societal life are in great trouble. . . ."[82] In 1985, Dr. Christine Cassell announced that some policy planners suggested that Medicare patients be provided with living wills upon admission to the hospital in the interests of cost containment.[83] In November 1990, Congress enacted Section 4206 of the Omnibus Reconciliation Act of 1990 requiring most Medicare and Medicaid reimbursed providers to give each patient written information at the time of admission about patient rights relative to advance directives and the facility's policies for safe-guarding those rights.[84]

Cost containment considerations are not yet decisive in medical care decision making. But the combination of advance directives and cost containment pressures is likely to erode the medical profession's ethos of preserving life. More important, advance directives may facilitate the acceptance of the over-treatment thesis. Consequently, passive euthanasia will become more palatable since the patient's death is frequently seen as a favored outcome.[85]

In short, the enactment of advance directives legislation in North Carolina does too little to further the interests of self-determination and does too much to create an environment favorable to passive euthanasia. Once the protections against passive euthanasia are undermined, we will inevitably find ourselves, like the citizens of Washington state, deciding whether to allow for active euthanasia, euphemistically called "aid-in-dying."[86] While legislation on medical treatment with regard to the terminally ill is preferable to turning over the regulation to the courts, legislation must do more to stem the erosion of legal prohibitions against euthanasia. Although this article cannot include proposed legislation, others have suggested legislation providing for the protection of vulnerable adults, the establishment of minimal care guidelines and the protection of the right to consent to treatment.[87]

Conclusion

The Hemlock Society of the Piedmont perceived House Bill 821 as "passive euthanasia" legislation and some shuddered. The word euthanasia still conjures up images of events in Germany in the 1930s and 40s. Most of us would prefer to forget that era, but others note that it all started with a subtle shift in basic attitudes and the acceptance of the idea that there is such a thing as a life not worthy to be lived.[88] While we may not be ready to accept "euthanasia," we are indisputably accepting its underlying premises and loosening the legal constraints against it. House Bill 821 is by no means a carte blanche for mercy killing, but it reflects a shift in attitude that is likewise reflected in right to die cases. Our society may be prepared to accept euthanasia—that is another debate. But if it is not, then we must recognize and confront the wedge that threatens to dislodge the barriers against the legal termination of lives deemed of insufficient quality to maintain.

Endnotes

*Ann Potter received her J.D. from Wake Forest University School of Law in May 1990. Formerly an associate specializing in health care law at Maupin, Taylor, Ellis & Adams, P.A., in Raleigh, Miss Potter is presently a law clerk for The Honorable Daniel A. Manion of the United States Court of Appeals for the Seventh Circuit.

[1]J. Fletcher, To Live and to Die: When, Why, and How 122 (1973) (quoted in Koop and Grant, *The "Small Beginnings" of Euthanasia: Examining the Erosion in Legal Prohibitions Against Mercy-Killing*, 2 Notre Dame J. Law, Ethics, & Pub. Pol'y 585 (1986)). "Humanum" is the point beyond which the rational faculty of man is lost. *Id.* at 115.

[2]N.C. Session Laws 1991, c.639.

[3]Newsletter of the Hemlock Society of the Piedmont, Vol.1, No.3, at 2 (Aug. 1, 1991).

[4]N.C. Gen. Stat. § 90-320(b) (1990).

[5]Koop and Grant, *The "Small Beginnings" of Euthanasia: Examining the Erosion in Legal Prohibitions Against Mercy Killing*, 2 Notre Dame J. Law, Ethics & Pub. Pol'y 585, 589 (1986). Koop and Grant provide a more extensive discussion of the medico-legal definition of euthanasia. In essence, euthanasia is the "wilful and deliberate killing of oneself or another out of motives of compassion, the desire to save another from suffering, or to promote 'the dignity' of the suffering person." *Id.* at 593-93.

> Euthanasia is thus a form of homicide in which particular factors of intent and motive are present. These factors in no way exonerate the individual who has committed the homicide; nor does the fact that the homicide was committed by a negative rather than a positive act.

Id. at 593.

[6]*See Cruzan v. Director, Missouri Dept. of Health*, 110 S.Ct. 2841, 2860-2861 (1990) (Scalia, J., concurring).

[7]Cassel, *Deciding to Forego Life-Sustaining Treatment: Implications for Policy in 1985,* 6 Cardozo L. Rev. 287, 293 (1985).

[8]*In re Quinlan,* 355 A.2d 647, *cert. denied sub nom. Garger v. New Jersey,* 429 U.S. 922 (1976).

[9]*See Cruzan,* 110 S.Ct. at 2846-2851 (1990).

[10]*See* Kamisar, *The Real Quinlan Issue,* N.Y. Times, June 17, 1985, at A19, col.1.

[11]One of the experts at the trial defined "chronic persistent vegetative state" to mean a condition in which the subject retains the capacity to maintain the vegetative parts of the neurological function but no longer has any cognitive function. *Quinlan,* 355 A.2d at 654.

[12]*Id.* at 662-664.

[13]Koop and Grant, *supra* note 5, at 621.

[14]*Id.*

[15]*Quinlan,* 355 A.2d at 670.

[16]Horan, *Euthanasia as a Form of Medical Management,* in Death, Dying, and Euthanasia 196, 209 (2d ed. 1980) (citing *State v. Ehlers,* 98 N.J.L. 236, 240 (1922)); *Turner v. State,* 119 Tenn. 663, 108 S.W. 1139, 1141 (1908)); *Also see Cruzan v. Director, Missouri Dep't Health,* 110 S.Ct. 2841, 2860 (Scalia, J., concurring).

[17]486 A.2d 1209 (N.J. 1985).

[18]*Id.* at 1229.

[19]*Id.* at 1232.

[20]*Id.*

[21]*E.g., Deel v. Syracuse Veterans Admin. Medical Center,* 729 F.Supp. 231, 233-34 (E.D.N.Y. 1990); *Matter of Farrell,* 529 A.2d 404, 410-411 (N.J. 1987).

[22]*See Cruzan v. Harmon,* 760 S.W.2d 408, 421-422 (Mo. 1988) (en banc), *aff'd sub nom. Cruzan v. Director, Missouri Dept. of Health,* 110 S.Ct. 2841 (1990).

[23]486 A.2d at 1232-33.

[24]*Id.* at 1232.

[25]529 A.2d 419 (N.J. 1987).

[26]529 A.2d 434 (N.J. 1987), *stay denied sub nom. Lincoln Park Nursing and Convalescent Home v. Kahn,* 483 U.S. 1036 (1987).

[27]529 A.2d at 424 (quoting *Conroy,* 486 A.2d at 1228).

[28]*Id.* (quoting *Quinlan,* 355 A.2d at 647).

[29]*Id.* at 425.

[30]529 A.2d at 444, 446-47.

[31]C. Rice, No Exception: A Pro-Life Imperative 22 (1990).

[32]225 Cal. Rptr. 297 (1986).

[33]Koop and Grant, *supra* note 5, at 629.

[34]225 Cal. Rptr. at 300.

[35]*Id.* at 305.

[36]*Id.*

[37]*Id.* at 306.

[38]Koop and Grant, *supra* note 5, at 632.

[39]497 N.E.2d 626 (Mass. 1986).

[40]*Id.* at 641 (Lynch, J., dissenting).

[41]110 S.Ct. 2841 (1990).

[42]960 S.W.2d 408 (1988) (en banc).

[43]*Id.* at 425.

[44]110 S.Ct. 2852 (1990).

[45]*Id.* at 2851-52.

[46]*Id.* at 2856, n.12.

[47]*Id.* at 2860 (Scalia, J., concurring).

[48]*Id.* at 2860-62 (Scalia, J., concurring).

[49]*Id.* at 2863 (Scalia, J., concurring).

[50]*See id.* at 2862 (Scalia, J., concurring).

[51]*Id.* at 2864 (Brennan, J., dissenting).

[52]Rice, *supra* note 31, at 30.

[53]110 S.Ct. at 2886 (Stevens, J., dissenting) (emphasis original).

[54]*See* Rice, *supra* note 31, at 33.

[55]*Id.*

[56]N.C. Gen. Stat. § 90-320 *et seq.* (1990).

[57]N.C. Session Laws 1991, c.639, Section 3 (to be codified at N.C. Gen. Stat. § 90-321(b)).

[58]N.C. Gen. Stat. § 90-321(c) (1990).

[59]N.C. Gen. Stat. § 90-321(a) (1990). Note that the definition of "extraordinary means" does not specifically include or exclude artificially administered nutrition or hydration although the American Medical Association has declared that nutrition and hydration should be indistinguishable from any medical procedure. American Medical Association Ethical Opinion 2.20.

[60]N.C. Session Laws 1991, c.639, Section 3 (to be codified at N.C. Gen. Stat. § 90-321(b) (1)).

[61]N.C. Session Laws 1991, c.639, Section 3 (to be codified at N.C. Gen. Stat. § 90-321(a) (4)).

[62]N.C. Session Laws 1991, c.639, Section 3 (to be codified at N.C. Gen. Stat. § 90-322(a)).

[63]N.C. Session Laws 1991, c.639, Section 3 (to be codified at N.C. Gen. Stat. § 90-322(b)).

[64]N.C. Session Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-18).

[65]N.C. Session Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-19).

[66]*Id.*

[67]N.C. Session Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-16(4)).

[68]*Id.*

[69]N.C. Session Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-20(a)).

[70]N.C. Session Laws 1991, c.639, Section 1 (to be codified at § 32A-20(b)).

[71]N.C. Gen. Stat. § 90-321(h) (as amended by N.C. Sessions Laws 1991, c.639, Section 3); N.C. Gen. Stat. § 90-322(d) (as amended by N.C. Session Laws 1991, c.639, Section 3); N.C. Sessions Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-24).

[72]Koop and Grant, *supra* note 5, at 602.

[73]*Id.* at 601.

[74]568 So.2d 4 (Fla. 1990).

[75]*Id.* at 16-17.

[76]N.C. Session Laws 1991, c.639, Section 1 (to be codified at N.C. Gen. Stat. § 32A-25).

[77]*Id.*

[78]Koop & Grant, *supra* note 5, at 605-606.

[79]*Id.* at 604-606.

[80]Siegler & Weisbard, *Against the Emerging Stream—Should Fluids and Nutritional Support Be Discontinued?,* 145 Archives Internal Med. 129, 131 (1985).

[81]Callahan, *Rationing Health Care: Will It Be Necessary? Can It Be Done Without Age or Disability Discrimination?* 5 Issues in Law and Medicine 353, 361-62 (1989).

[82]*Id.*

[83]Cassell, *supra* note 7, at 293.

[84]Omnibus Reconciliation Act of 1990, Pub. L. No. 101-508, § 4206, 104 Stat. 1388 (1990).

[85]Koop and Grant, *supra* note 5, at 605-606.

[86]Wash. Initiative 119, An Act Relating to the Natural Death Act; and Amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.040, 70.122.050, 70.122.060, 70.122.070, 70.122.080, 70.122.090, 70.122.100, and 70.122.900 (1991).

[87]Koop and Grant, *supra* note 5, at 615-20.

[88]*See generally,* Leo Alexander, M.D., *Medical Science Under Dictatorship,* 241 New Eng. J. Med. 39 (1949).

CLASS NOTES

1934

Edward H. Cross passed away on September 22, 1990.

1937

Leonard Hampton VanNoppen, former state legislator, retired after serving as a chief district judge for 12 years. His wife, Emorie Pepper, died in December 1989.

1939

Robert B. Campbell retired in 1980 as district counsel of the Veterans Administration.

1952

Donald P. Brock passed away on March 21, 1991.

1954

Superior Court Judge Lester P. Martin, Jr. of Mocksville was installed grand master of the Grand Lodge of Ancient, Free, and Accepted Masons of North Carolina at its annual convention in April.

1955

Justice Major B. Harding was recently promoted to the position of associate justice of the Florida Supreme Court.

1957

Owen Meredith Shaw recently established a collection of his personal and professional papers at the Z. Smith Reynolds Library. His papers and files contain information relating to the Court of Last Resort: human rights for prisoners; the death penalty; and other related topics.

1960

Judge J. Charles McDarris' son, **Floyd,** graduated from Wake Forest School of Law in 1990. He was sworn in as an attorney on April 23, 1991 and is now an associate for Attorney General Lacy Thornburg in Raleigh.

1963

Fred G. Morrison serves as an administrative law judge for the Office of Administrative Hearings in Raleigh, North Carolina.

1964

Thomas S. Watts became senior resident superior court judge for the First Judicial District of North Carolina on September 1, 1991. He also serves on the Pattern Jury Instruction Committee of the Conferences of Superior Court Judges.

1966

Lawrence S. Groff is a partner in the firm of Oster and Groff in Lincoln, Rhode Island. Groff shed 205 pounds and has become a champion in the age 50-59 category of the National Indoor Rowing Championships. He is ranked 200th in the nation.

1967

David M. Zacks is with the firm of Knox and Zacks of Atlanta, Georgia, specializing in health care law. David is chairman of the executive committee, American Cancer Society, Ga., division and president, Legal Clinic For The Homeless. He has a son, Kenneth Taylor Zacks (11 mos. old).

1970

Robert W. Sumner is chair of the Litigation Section, N.C. Bar Association for 1991-1992 and serves on the Board of Directors for the Wake County Bar Association. He lives with his wife, Nancy, and two children, Brian (12) and David (6) in Raleigh.

1971

M. Jay DeVaney, a partner with Adams Kleemeier Hagan Hannah & Fouts spoke to the American College of Real Estate Lawyers on October 12, 1991 in San Francisco. DeVaney is one of eight members of the College from the State of North Carolina.

H. Clay Henric, Jr. has run the Peoples Law School in Alamance County for NCATL for three years. He served as chairman of the Litigation section of the NCBA in 1990-1991. He also won the 1990 Alamance County Bar Association Service Award.

Norman W. Shearin, Jr. has been engaged in the private practice of law on the Outer Banks of North Carolina since 1971. He is certified by the North Carolina State Bar Board of Legal Specialization as a Board Certified Specialist in Real Property Law.

1972

Jerry Cash Martin was recently elected vice president of the North Carolina Association of District Court Judges at its fall conference in Hickory, N.C. Judge Martin has been a district court judge since 1978 and chief district judge in Surry and Stokes Counties since 1986. He resides in Mt. Airy with his wife Carolyn and his two children, Brandon and Caroline.

1975

James F. Bailey, Jr. has eight attorneys working for his firm in Wilmington. The firm just moved into their own building.

Albert R. Bell was appointed chairman of the Labor and Employment Law Section of the NCBA for 1991-1992.

Rebecca J. Ferguson was appointed as a prosecuting attorney for Preble County, Ohio.

1977

R. Scott Lindsay was appointed a member of the Western Carolina University Board of Trustees by Governor Martin in July. Lindsay, who has been a county attorney for Cherokee County, North Carolina, is also chairman of the Cherokee County Board of Elections.

Mark VanNuys is now ranked a major in the United States Air Force. He is stationed in Washington, DC, pursuing an LLM at Georgetown Law Center.

1978

Vickie Cheek Dorsey was promoted to litigation counsel. She now manages and directs litigation in all states in which C&S/Sovran operates.

J. Randolph Ward was reappointed to a six-year term on the N.C. Workers Compensation Commission by Governor Martin. The commission hears workers compensation appeals and disburses approximately $259 million in benefits each year. He was sworn in by his father, Judge Hiram H. Ward—also a "double deacon"—who received his BA and JD from Wake Forest.

1980

Lynn Burleson was appointed chair of the NCBA's Family Law Section by the president of the NCBA. He currently works at Petree, Stockton & Robinson's Winston-Salem office.

J. Andrew Hartsfield IV and Barbara Hartsfield announce the birth of their son, Tyler Thornton, on April 1, 1991.

Sam Lanham is a partner with Cuddy and Lanham, a statewide civil litigation practice focusing on insurance defense in Bangor, Maine. Sam was elected to serve on Up With People International Board of Directors in May 1991.

Edith W. (Pierce) Mason is in practice with her husband in the Morehead City, North Carolina firm of Mason & Mason. They have a nine-year old son, Kyser, who refuses to even discuss becoming a lawyer.

C.T. (Neal) Patrick, Jr. has two children—Neal III, who is three and a half, and Cynthia, who is one.

1981

Robert Brinkley was appointed chairman of the North Carolina Bar Association Real Estate Practice Section.

Major David S. Jonas recently completed his LLM degree in criminal law and wrote his thesis on fraternization to be published in the military law review. He is currently stationed at the Pentagon where he is the Congressional Liason Officer for the Marine Corps.

Clive Morgan married Karen Kay Cole of Jacksonville, Florida. John F. Pendergost ('80) was the best man. Major B. Harding ('55) performed the ceremony.

Carol Nash Norman was recently appointed chairman of the South Carolina Bar Association Real Estate Practice Section.

CLASS NOTES

1982

Anderson D. Cromer announces the birth of his daughter, Rachel Anderson, on May 8, 1991.

Kenneth B. Howard married Martha V. Beach in October of 1990. He was promoted to vice-president at Medic Computer Systems in December 1990. He presently lives in Raleigh.

Julie M. O'Connor joined Mal Osborn in starting a law firm in January. Osborn and O'Connor, P.A. specializes in tax and corporate law, residential and commercial real estate closings, estate planning and wills. She lives in Winston-Salem with her husband and daughter, Katie.

Noland W. Smith of McKeever, Edwards, Davis and Hays, P.A. announces the birth of his third daughter, Morgan Helen Smith. Noland is an attorney for the Cherokee County Board of Elections.

Rob Tuner has rejoined the litigation team of Pender & Coward in Virginia Beach, Virginia, after serving as litigation counsel for Beverly Enterprises.

1983

Sarah W. Fox joined the law firm of Petree, Stockton & Robinson as a partner in their Raleigh office. She was an instructor at the 1991 Health Care Financial Executives Symposium at North Carolina State University in September. Fox spoke on current civil rights issues, sexual harassment, and discrimination law.

Michael Dodson married Suzanne Dollard in April 1990. Their son Geoffrey was born this past August.

John A. Morrice announces the birth of his first son, Ryan William, in February.

Frank and Nancy (Connolly) Pergolizzi live in Annandale, Virginia, with their two children Anna, born in February, and Sarah, three years old. Frank is with Slover & Loftus practicing transportation law. Nancy is a student loan marketing associate with Sallie Mae.

1984

John (Jody) Carpenter and wife Beth gave birth to daughter Laura Elizabeth on May 14, 1991.

Karen Duke recently left Alston & Bird to join the Emory Clinic as its legal counsel.

Davis M. McConnell announces the birth of his first child, Michelle Rory, born in June. Davis is with the Office of Immigration Litigation at the US Department of Justice.

1985

Rhonda Kahan Amoroso serves as in-house counsel for Long Island Lighting Co., a utility corporation in Hicksville, NY. She and her husband announce the birth of their 7 lb. 8 oz. daughter Jenna in July.

Robert M. Barrett was named corporate counsel for Denny's, Inc. in May 1991.

Mary Davis joined the faculty of the University of Kentucky teaching Torts and Conflicts of Law.

David A. Daggett of Winston-Salem, NC was elected to the Ethics and Grievance Committee of the Forsyth County Bar Association. David qualified for the World Ironman Triathlon Championship held in October in Kona, Hawaii. This is the second year he has qualified for the race consisting of a 2.4 mile ocean swim, a 112 mile bike ride, and a 26.2 mile marathon run.

G. Wilson Martin, Jr. lives in Winston-Salem and practices corporate, real estate, and estate planning work at CBL & R. He has two children, Mary White who is five and Elizabeth who is three.

Barbara (Wenger) McConnell had her first child in July, Michelle Rory McConnell. Barbara works with the Department of Labor in the Occupational Safety and Health Division.

1986

Paul T. Flick and **Terry J. Carlton** are pleased to announce the formation of Carlton & Flick, a firm with offices in Raleigh, NC, and Newport Beach, CA.

Denise Daggett of Chocklett & Currin in Raleigh, NC, serves on the Wake County Bar Association Young Lawyers Division Board of Directors. Denise specializes in white collar criminal defense, commercial and civil litigation.

James E. Meadows is with Hicks, Maloof & Campbell, P.C in Atlanta, Georgia. He specializes in high technology transactions, intellectual property protection, and general corporate law.

Richard H. Moore and **Noel Crook Moore** announce the birth of their son, William Holdsworth Moore on January 11, 1991. They live in Kittrell, NC.

Teresa Clemmons Nugent and husband **Brian ('84)** announce the birth of twin boys in March. They live in Tallahassee, Florida.

John W. Totten II opened an office for the general practice of law after four years as an assistant district attorney. John and his wife, had their first son in May 1990.

1987

Marguerite Hines Cameron married Paul William Bateman on May 4, 1991, at Duke University Chapel. She is an associate with Jordan, Schutte & Burchette, specializing in corporate securities and litigation.

Pattie S. Cartwright is living in Vicenza, Italy, with her husband and son.

Clifton M. Mount practices in the general civil litigation section of Ross, Marsh, Foster, Myers, and Quiggle in Washington, D.C.

Charles J. Vucci specializes in insurance defense litigation with Kierman, Plunkett & Woodbine in Providence, Rhode Island. He argued before the US First Circuit Court of Appeals in the case of *Fiore v. Washington County Community Health Center,* slip opinion 91-1027.

Holly F. Underwood specializes in civil rights, employment discrimination, and personal injury in Michigan. She earned her first degree black belt in Tae Kwon Do in March 1991.

1988

G. Walker Douglas has two children, G. Walker, Jr. is two years old, and one year old Mary Grace.

Mark L. Drew's second child, Mark L. Drew Jr., was born March 29, 1991.

Pamela A. O'Brien began work in the Legal Department of Hutchinson and Associates, Inc., an employee benefit consulting and actuarial firm in Raleigh, NC. She married James E. Eldridge in September 1990.

Todd Jones is an attorney at Klinedinst & Fliehman in San Diego, CA.

1989

Michael Phillips is an assistant controller at General Chemical's in Green River, Wyoming. He received a masters in International Management from the American Graduate School of International Management.

Bryon W. Waters opened a general solo practice firm in his hometown of Chesapeake, VA.

1990

Lawrence Gillen and wife Diane gave birth to Peter Richard, their first child in September.

1991

Four members of the Class of 1991 joined Spilman, Thomas, Battle & Klostermeyer as associates: **Barbara A. Allen, Miller A. Bushong III, Paula L. Durst,** and **Brett J. Preston.**

Sharon Holt assumed duties as law clerk to the Honorable Jerry G. Tart ('57), U.S. Bankruptcy Judge for the Middle District of North Carolina in August.

Patricia (Patsy) Ridenhour joined the firm of Nichols, Caffrey, Hill, Evens & Murrelle in Greensboro, NC.

Beth Toomes was recognized by the North Carolina State Bar for her involvement in the North Carolina Legal Education Assistance Foundation, Inc.

Barbara Tucker has joined House & Blanco, P.A. in Winston-Salem, NC. She works in employee benefits, estate planning and administration.

Jeffrey S. Whittle joined Bell, Seltzer, Parks & Gibson, P.A. in Charlotte, NC, as an associate in the area of patent, trademark, and anti-trust law.

CLASS NOTES

Announcement to Delta Theta Phi Alumni

The Williams-Berkowitz Chapter of Delta Theta Phi Law Fraternity International is active once more at Wake Forest University School of Law. The chapter has approximately 15 student members, and is seeking contact with any alumni who were student members of Delta Theta Phi, or who are interested in becoming honorary members.

In October, fraternity members attended the Delta Theta Phi regional meeting at Campbell University School of Law, Buies Creek, North Carolina. Dean Camilla Hester, and Vice-Dean Margaret Sullivan met with Gail Gallant, national chancellor of Delta Theta Phi, and Pete Beagle, vice-chancellor. Fraternity members participated in the annual Law Fund Telethon and the Habitat for Humanity project.

Any alumni interested in renewing his or her affiliation with Delta Theta Phi Law Fraternity are invited to contact either Dean Camilla Hester at 919/722-4987, or Vice-Dean Margaret Sullivan at 919/767-2517.

WHAT'S NEW? *Wake Forest Jurist* would like to hear from all law alumni about any new developments. Kindly take a few moments to fill out the form below and return it to *Wake Forest Jurist*, Wake Forest University, School of Law, P.O. Box 7206, Winston-Salem, NC 27109.

Name: _____ Year of Law School Graduation: _____

Business Address: ☐ (check if new address) _____

_____

Business Phone #: ( ) _____

Home Address: ☐ (check if new address) _____

_____

Brief description of law practice or business: _____

_____

Public offices, professional, and civic honors with dates: _____

_____

Personal items of current interest (i.e. marriage, birth of child): _____

_____

WAKE FOREST UNIVERSITY SCHOOL OF LAW LIBRARY
SCHEDULE OF OPERATION FOR SPRING 1992

REGULAR HOURS OF OPERATION

Monday—Thursday	7:00 a.m.—Midnight
Friday	7:00 a.m.—10:00 p.m.
Saturday	9:00 a.m.— 9:00 p.m.
Sunday	10:00 a.m.—Midnight

SPRING BREAK

Friday	March 6	7:00 a.m.— 5:00 p.m.
Saturday	March 7	CLOSED
Sunday	March 8	CLOSED
Monday	March 9	8:30 a.m.— 5:00 p.m.
Friday	March 13	8:30 a.m.— 5:00 p.m.
Saturday	March 14	CLOSED
Sunday	March 15	2:00 p.m.—Midnight

TENTATIVE POST EXAM PERIOD

Tuesday	May 12	7:00 a.m.— 5:00 p.m.
Wednesday	May 13	8:30 a.m.— 5:00 p.m.
Friday	May 15	8:30 a.m.— 5:00 p.m.
Saturday	May 16	CLOSED
Sunday	May 17	CLOSED
Monday	May 18	8:30 a.m.— 5:00 p.m.
Friday	May 22	8:30 a.m.— 5:00 p.m.
Saturday	May 23	CLOSED
Sunday	May 24	CLOSED
Monday	May 25	SUMMER HOURS BEGIN

WAKE FOREST UNIVERSITY SCHOOL OF LAW

TENTATIVE LEGAL EDUCATION
1992 SPRING SCHEDULE

Environmental Law—MCLE: 7.0 Hrs. (3 Pra. Sk., 1 Ethics, 3 Other)
February 7—Raleigh (Live), McKimmon Center
March 6—Greensboro (Video), Embassy Suites
April 10—Elizabeth City (Video), College of the Albemarle
May 8—Charlotte, NC (Video), Government House

Collection & Enforcement of Judgments—MCLE: 6.5 Hrs. (5 Pra. Sk., 1 Ethics)
February 28—Raleigh (Live), McKimmon Center
March 20—New Bern (Video), Craven Comm. College
May 1—Asheville (Video), Quality Inn Biltmore
May 29—Winston-Salem (Video), Holiday Inn North

Corporation & Business Law—MCLE: 12 Hrs. (9 Pra. Sk., 2 Ethics, 1 Other)
April 2-3—Winston-Salem (Live), Holiday Inn North
May 21-22—Kiawah Island (Video), Kiawah Island Inn
June 4-5—Raleigh (Video), McKimmon Center
June 18-19—Charlotte (Video), Government House

Civil Litigation—The Anatomy of a Civil Case—MCLE: 12 Hrs. (9 Pra. Sk., 3 Ethics)
April 23-24—Raleigh (Live), McKimmon Center
May 28-29—Asheville (Video), Grove Park Inn
June 11-12—Winston-Salem (Video), Sheraton Inn North
June 25-26—Charlotte (Video), Government House

Current Employment Law Issues—MCLE: 12 Hrs. (1 Ethics)
April 23-24—Washington, DC (Live), Wyndham Bristol Hotel
May 21-22—Hilton Head, SC (Live), Mariners Inn
June 11-12—Chicago, IL (Live), Marriott Chicago

CALENDAR OF EVENTS

January 24	Constitutional Law Lecture Series Professor A.E. Dick Howard
February 6	University Founders' Day Dr. Edwin G. Wilson
February 21	Black Law Students Assn. Scholarship Banquet Justice Dennis Archer
February 28	Zeliff Trial Competition Law School Courtroom
March 27	Law Review Business Symposium "Financial Institutions: Regulations and Legal Challenges in the 1990s"
April 3	First-Year Moot Court Competition Law School Courtroom
April 10-11	Law Alumni Council Meetings
April 11	Law Day Celebration Barristers' Ball
April 24-25	Board of Visitors Meetings
May 17	Hooding Ceremony
May 18	Commencement

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SCHOOL OF LAW
Winston-Salem, NC 27109