

Wake  
Forest

# Jurist

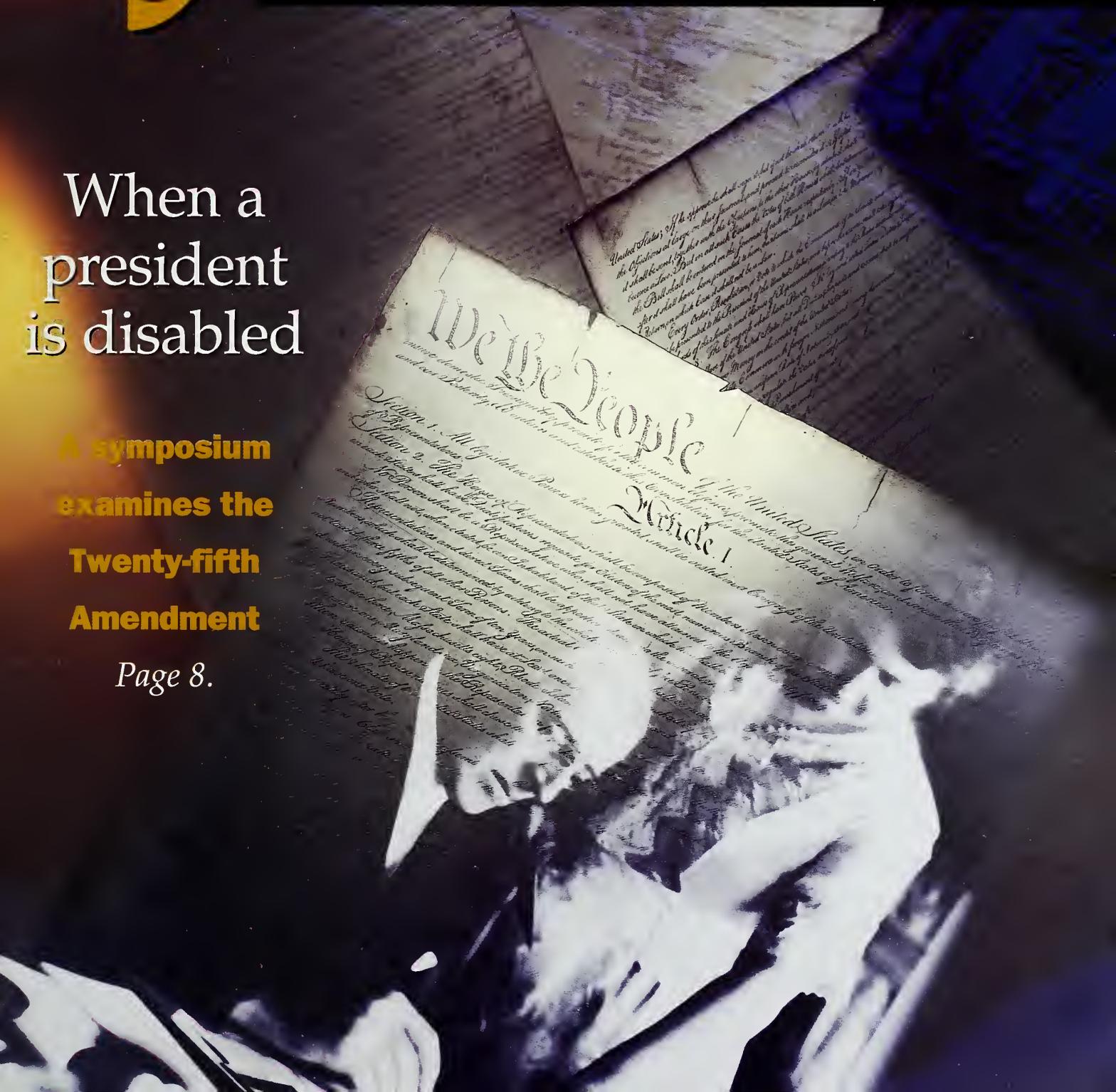
The Magazine of Wake Forest University School of Law

Volume 25, Number 1  
December 1995

When a  
president  
is disabled

A symposium  
examines the  
Twenty-fifth  
Amendment

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**T**HE WAKE FOREST UNIVERSITY School of Law enters its second century with great momentum. We closed the last five years of our first century with a rush of activities and accomplishments. We filled our first permanent distinguished professorship with Marion Benfield. We added for the first time full-time faculty members in the important evolving areas of international business transactions, environmental law, health law, and intellectual property. We began our second clinical program, the Legal Clinic for the Elderly, and started the Chief Justice Joseph Branch Inn of Court and the tradition of Law School Family Day.

The most time-consuming achievement was designing, funding, building, and dedicating our wonderful new building, the Worrell Professional Center. Following its dedication in April 1993, however, we did not get to rest on our laurels. The entire law school community conducted a year's self-study in preparation for our ABA site evaluation in spring 1994, resulting in what Wake Forest President Thomas K. Hearn Jr. rightly stated was a "rare, even unprecedented" report card from the American Bar Association inspection team listing seventeen strengths and no weaknesses.

Then, last year it seemed we celebrated our centennial with a wonderful and special event every week. The signal event was having Chief Justice William Rehnquist here to speak at the centennial convocation and to visit with faculty and students for five days. We also had visitors such as United States Senator Dale Bumpers of Arkansas, Secretary of the Army Togo West, and Bob MacCrate, former president of the ABA and author of the famous MacCrate Report. We had three courts hear actual cases at the law school during the year. We took two wonderful trips with alumni, the first a pilgrimage to old Wake Forest, and the second a trip to the United States Supreme Court for a group admission ceremony.

After our centennial year, we have not slowed down. This fall, we have served as host for the North Carolina Court of Appeals, held the second nationally awarded Oliver Wendell Holmes Devise Lecture and Symposium since 1975, and conducted a two-day Interdisciplinary Symposium on Presidential Disability and the Twenty-fifth Amendment, featuring former President Gerald R. Ford. All of these events are highlighted in this issue of the *Jurist*.



**The future of the Wake Forest University School of Law is extremely bright at the threshold of its second century.**

Also featured in this issue is a profile of our second chaired professor, Steve Nickles. The Bess and Walter Williams Distinguished Professor of Law was funded by Fred Williams Sr., of Greensboro. Steve held a chair at the University of Minnesota law school and is a nationally recognized scholar in commercial law and one of the leading authorities on the use of computers in legal education. Steve is symbolic of the law school as it enters its second century. He is nationally renowned, but he remains dedicated first and foremost to his teaching mission. He has won the teacher of the year award from his students at the two law schools where he has previously taught.

The school itself has become more nationally renowned as well. For the last two years, we have been ranked in the top quarter of all law schools by *U.S. News and World Report*. Another ranking based on student satisfaction ranked us twenty-first of the 178 law schools. Only seven other law schools ranked as high as Wake Forest in both rankings. What is central to us, however, is not national renown, but having a program that builds on the traditions of Wake Forest in preparing our students for the practice of law: having faculty who are accessible and committed to teaching as well as to legal scholarship; instilling in our students respect for professional values; and continuing to view Wake Forest as a community that unites students, faculty, staff, alumni, and friends in an extended, loyal family.

The future of our law school is extremely bright at the threshold of its second century. The only cloud on the horizon is our ability to keep a Wake Forest legal education affordable. We are making progress on this important issue. Several alumni have made significant pledges for student scholarships and the Law Alumni Council has created a special financial aid fund from its continuing program to increase giving to the annual fund. We are in the middle of the annual fund drive now. Wake Forest was so successful in its first century because each generation gave back to its law school, supporting the next generation. As you receive your annual fund solicitation, I hope that you will help us make certain that Wake Forest continues its great start into its second century. ■

**Robert K. Walsh**  
DEAN

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Volume 25, Number 1  
December 1995

# Jurist

The Magazine of Wake Forest University School of Law

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## Presidential Proxy

by Lloyd Whitehead

What happens if a president is unable to function?

A symposium examines the question. In a companion article, a distinguished historian discusses one such situation—the presidency of Woodrow Wilson.

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FEATURE

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## A great dissenter

*Oliver Wendell Holmes lecturer criticizes recent Supreme Court decisions*

**C**ASS R. SUNSTEIN, a professor at the University of Chicago School of Law who is considered one of the country's foremost constitutional law scholars, criticized recent high-court decisions on affirmative action and free speech at the Oliver Wendell Holmes Devise Lecture on October 28.

Wake Forest University School of Law hosted the lecture, which was held for only the second time since 1975.

Administered by the Library of Congress, the lecture is given in memory of Holmes, who served on the U.S. Supreme Court as an associate justice from 1902 to 1932. Known as "the Great Dissenter," Holmes provided in his will for the lecture series and the promulgation of a continuing history of the Supreme Court.

Wake Forest was chosen from among eight schools vying for the lecture this year. More than 150 law students and a number of local, state, and federal judges were in attendance.

Sunstein said recent high-court decisions are contrary to Holmes' aphorism that "general principles do not decide concrete cases."

Addressing the ruling that affirmative action in hiring is almost always unconstitutional, Sunstein said the Court's interpretation of the Constitution's equal protection clause was a classic illustration of using an "incompletely specified abstraction" to decide a concrete case.

"Incompletely theorized agreements play a pervasive role in law and society," Sunstein said. "It is quite rare for a person or group to completely theorize any subject, that is, to accept both a general theory and a series of steps connecting that theory to concrete conclusions. Thus we often have in law an incompletely theorized agreement on a general proposition—incompletely theorized in the sense that people who accept the principle need not agree on what it entails in a particular case."

Sunstein cited several examples where Constitutional framers avoided "sharp-edged rules" in favor of general principles, noting that



**CASS R. SUNSTEIN:** TAKES HIGH COURT TO TASK FOR USING AN 'INCOMPLETELY SPECIFIED ABSTRACTION' TO DECIDE A CONCRETE CASE.

**Wake Forest School of Law hosts the Oliver Wendell Holmes Devise Lecture, held for only the second time since 1975.**

it is often of practical necessity to do so. "[General propositions] allow people to develop frameworks for decision and judgment despite large-scale disagreements. At the same time, they help produce a degree of a social solidarity and shared commitment. People who are able to agree on political abstractions—freedom of speech, equal protection of the laws, freedom from unreasonable searches and seizures—can also agree that they are embarking on shared projects. These forms of agreement can help constitute a democratic culture. It is for the same reason that they are so important to constitution-making."

Drawing on Holmes' dissent in *Lochner v. New York*, however, Sunstein said judges go awry when using these

general propositions to decide specific cases. "I think that Holmes' central point is that general propositions are incompletely specified—it is for this reason that they do not resolve particular cases, which turn on the specification. The equal protection clause is an obvious example."

Sunstein also delved into the First Amendment and its seeming protection of all speech—an oversimplification, he said, based on the broad nature of the amendment's language.

"It is implausible to say that the First Amendment is an 'absolute'; the counterexamples—perjury, treason, bribery, fraud—are too insistent. But the use of the general proposition puts people on the defensive in arguing for particular restrictions on the speech," said Sunstein. "Following Justice [Hugo L.] Black, many people act as if the general proposition in the text resolves the hard cases. This phenomenon may be useful as a social matter, since it helps reduce the regulation of speech. But it is not helpful for clear thinking, and it is also dishonest, for the outcome in the concrete case will depend on something other than the general proposition. The Supreme Court has thus lost sight of Holmes' edict in affirmative action cases, and much of the culture seems to have done the same thing in the context of free speech."

Also speaking were A. E. Dick Howard, the White Burkett Miller Professor of Law and Public Affairs at the University of Virginia School of Law; Sheri Lynn Johnson, professor at Cornell Law School; and Michael K. Curtis and Ronald F. Wright Jr., both professors at Wake Forest School of Law. A brief but spirited panel discussion followed.

Dean Robert K. Walsh, who acted as moderator of the event, was pleased. "I thought it went spectacularly," he said. "This was something of a heavy intellectual exercise, but the comments I got from our students and guests was that it never failed to keep their interest. We had an all-star cast, and Cass Sunstein did a superb job of tying his lecture to the legacy of Justice Holmes." ■

## Friends and mentors

*Inn of Court fosters collegial exchange between young lawyers and 'masters of the bench'*

IF THERE'S ONE thing junior and senior lawyers, judges, and selected students of Wake Forest School of Law can agree on, it is the value of coming together for meetings of the Justice Joseph Branch Inn of Court.

The three-year-old American Inn of Court program enables students to join young lawyers ("barristers") to learn from and socialize with senior lawyers and judges ("masters of the bench") at regularly scheduled meetings.

Meetings focus on issues of concern to the legal profession, followed by group discussion and dinner. "We are there for learning," said barrister Steve Berlin ('81, JD '84). "It's good to hear the judges and senior attorneys share their thoughts about what works and what doesn't work."

Dean Robert K. Walsh was instrumental in starting the local chapter for law school students and lawyers and members of the bench in Forsyth and Guilford counties. He decided to name it after one of the school's most distinguished graduates.

In May 1990, the Justice Joseph Branch Inn of Court became the first school-affiliated North Carolina chapter. According to the membership director of the American Inns of Court

Foundation in Alexandria, Virginia, there are now three chapters in the state (Charlotte and Durham are the other two) and 264 throughout the nation.

What has now been termed the American Inn movement got its start not long after U.S. Chief Justice Warren Burger and an American exchange team visited English Inns of Court in the late seventies. They came home with a desire to instill some of the same values into the American legal system that King Edward began in England in 1292, when he directed his own chief justice to select a sufficient number of apprentices to be near the Royal Court of Westminster.

The first American Inn was created in 1980 at Brigham Young University's J. Reuben Clark School of Law under the leadership of federal Judge A. Sherman Christensen and then-law school dean Rex Lee. Today, about sixty lawyers and judges are members of the Justice Joseph Branch Inn of Court.

Berlin, an attorney with Petree Stockton in Winston-Salem, thinks the bonds created by lawyers coming together in a collegiate environment are important to the future of the profession.

"You've probably read over recent years how

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**STEVE BERLIN:** 'WE ARE THERE FOR LEARNING. IT'S GOOD TO HEAR THE JUDGES AND ATTORNEYS SHARE THEIR THOUGHTS.'

## On the job

**Students gain valuable experience through summer internships**

FOR Wake Forest law students, summer break means a chance to put knowledge to work. The summer of 1995 was no exception, with students taking jobs from Washington, D.C., to Texas.

William T. Barrett, director of placement services, said summer internships give students a valuable insight into the profession.

"These are great experiences that the students can build on. Many of the organizations in Washington, D.C., that the students have worked for are involved in looking at legislation as it happens."

The placement office maintains an aggressive outreach program. In addition to internship listings for private practice and government, the office has a database of more than 200 trade associations, non-profit organizations, and public interest groups interested in Wake Forest law students.

Here's a sampling of jobs that students held this past summer:

- WILLIAM H. 'CHIP' PETREE (2L) Recording Industry Trade Association, Washington, D.C.
- JANET B. HEALD (2L) National Coalition for Nursing Home Reform, Washington, D.C.
- ANNA E. WORLEY (3L) South Texas ProBAR, Harlingen, Texas, in a project representing refugees in asylum hearings.
- ELLIOT A. FUS (2L) National Journalism Training Center, Washington, D.C.
- CHRISTINA E. LANG (3L) American Bar Association, Central and Eastern European Law Initiative, Washington, D.C.
- AMY K. COLE (3L) Preservation North Carolina, Raleigh, North Carolina.

## Nickles' worth

*Newly appointed chair Steve Nickles is passionate advocate of technology in legal education*

**A**S THE NEWLY appointed Bess and Walter Williams Distinguished Professor of Law, Steve H. Nickles occupies a unique position on the threshold of 21st-century legal education.

Nickles, who came to Wake Forest from the University of Minnesota School of Law in the summer of 1995, brought with him not only a fundamental understanding and support of traditional teaching methods, but also an understanding of where emerging technology can take legal education in the coming years. As an author for West Law Publishing and an accomplished teacher of commercial law, Nickles is firmly rooted in the traditional. But he is also among a handful of legal instructors in the nation using what has been dubbed the "virtual classroom"—a system of computer networks and databases that give law students and faculty unprecedented access to information, as well as to each other.

"I have taught for twenty years, and I have never been as excited about teaching as I am now," said Nickles, who earned his doctor of juridical science degree from Columbia University. "This lets you exploit the expertise you have to the fullest. You can really bring your knowledge to bear on a subject."

In his third-floor office in the law wing of the Worrell Professional Center, Nickles enthusiastically shows visitors how the system works. With a few clicks on his computer's keyboard, Nickles' syllabus appears on the screen, and he taps in a change for the following day's class. His students, he explains, will see the changes from whatever computer they may be working on, either from their homes or from one of the school's labs. A few more taps, and a discussion among students and instructor regarding case law appears on the screen. Another few taps and a law text appears complete with statute and case histories.

Nickles says that students and faculty using the system have access to legal databases, news periodicals, legal texts and electronic classrooms where students and teachers can exchange ideas and information.



**'[Technology] lets you exploit the expertise you have to the fullest. You can really bring your knowledge to bear on a subject.'**

—STEVE NICKLES

"From right here we can go into my class, classes at Harvard, classes at the University of North Carolina at Chapel Hill—it makes the prospect of team teaching and collaborative efforts almost unlimited. And I can tap into this from wherever I may be, as can our students."

The combination of software and hardware that makes it all possible is called TWEN, The West Education Network, designed by West Publishing. In simplest terms, it's an online service similar to America Online or Compuserve in that it allows multiple users to connect to a remote computer and interact simultaneously. But more than simply exchanging files and text messages, students can use the system much as they would a law library. The ease of use is far greater, however, given that students can copy and paste information from databases and legal texts as if the remotely stored files were on their computers.

Nickles said the system was first used in Minnesota, then at Harvard, and that although it is still in the development stage, it has been introduced at twenty law schools, including Stanford and NYU. He was one of two law professors initially involved in the development of the system; the other was Harvard University

Professor of Law Arthur Miller.

Says Nickles, "I don't pretend to understand all of the technology that goes on behind the interface. What I want is a practical technology. It's got to be easy, and it's got to be reliable or a professor or student won't use it."

Nickles notes that there is inherent distaste for change at most colleges and universities, but that Wake Forest has managed to buffer that with an intelligent blend of resources that keep the best of the conventional experience while nurturing innovation.

"Usually you show someone new technology and they run. Here it isn't that way. The Wake Forest School of Law is really a leader in practicum for students, and it has developed some very deeply held values that it tries to instill in its students. By using technology we can do a better, more effective job of instilling these traditional values."

Perhaps like many college professors, Nickles believes that there's a practicality and richness in "the bare-walled classroom approach" that no amount of technology can supplant.

"What I'm trying to do is use technology outside the classroom to enrich what goes on inside the classroom—I am not an advocate of bringing in new technology to replace old values. I'm very much a traditionalist—I'm still teaching the same principles I've always taught."

That common-sense approach has kept Nickles busy. He is so frequently invited to speak at law schools around the country on the role of technology in law education that he often spends more time on the road than at school. A prime opportunity, he says, to make use of technology.

"Most schools don't have the infrastructure that we do here at Wake Forest. The software for this system eliminates the need for that—you can connect to this service right over the phone lines. It really is an ideal system."

Before coming to Wake Forest, Nickles taught at the University of Minnesota Law School where he was the Roger F. Noreen Chair in Law, and at the University of Arkansas School of Law in Fayetteville. His wife, Kathryn, also has begun teaching at Wake Forest. She is a visiting assistant professor at the Calloway School of Business and Accountancy where she teaches information systems and organizational theory and behavior. The two have a 17-year-old daughter, Ellen, who lives in Minneapolis and is completing her senior year in high school, and a son, Thomas, 15, who attends Mount Tabor High School in Winston-Salem. ■

## In defense of the defenseless

*New program will aid indigent victims of domestic violence*

**W**AKE FOREST UNIVERSITY law students and undergraduates are joining forces with local attorneys and service agencies to assist in providing legal representation and other help to indigent victims of domestic violence.

Although North Carolina law allows a victim to get an emergency protective order against an abuser, that order lasts for only ten days, after which the victim and the abuser appear at a hearing where the judge decides whether to extend the protective order. At that hearing, the abuser typically has an attorney while the victim, usually a woman, often is left to represent herself due to lack of money.

"The legal system may be making the problem of domestic violence worse," said Wake Forest law professor Suzanne Reynolds, one of the program's organizers. "Because legal representation at the ten-day hearing is so hard to get, the victim feels victimized again."

The Domestic Violence Advocacy Center, as it is called, will match a volunteer attorney with several law students and undergraduates to prepare for a victim's ten-day hearing. Under the attorney's supervision, law students who qualify under student practice rules will provide legal advice to the victim and prepare her case. Other students will help the client meet other needs, such as transportation to a doctor's appointment or finding a place to stay.

"We want to be able to empower the victim not only to get the protective order, but also to give her confidence that she can take control of this part of her life," Reynolds said.

Groups participating in the Domestic Violence Advocacy Center include the Legal Aid Society, the community service committee of the Forsyth County Bar Association, Forsyth County Women Attorneys, the School of Law, and Wake Forest's Women's Studies Program. ■



SUZANNE REYNOLDS

## Holding court

**T**he North Carolina Court of Appeals once again visited the Worrell Professional Center this fall. Judges John C. Martin, Ralph A. Walker, Donald L. Smith, and Linda M. McGee heard oral arguments in three cases involving slander, worker's compensation, and murder. A reception followed for students and faculty.

## Race Judicata

**T**he annual running of the Race Judicata took place September 29. More than fifty runners challenged the five kilometer trail, and Karen Marston and Ronald Skufca, both 1L's, prevailed. Proceeds went to the Amos Cottage in Winston-Salem.

## An auction in the public interest

**T**he Public Interest Law Organization (PILO) raised more than \$7,000 at its annual fundraising auction in October. The 100-plus items sold during the evening ranged from gift certificates and baked goods to round-trip airline tickets and a weekend trip to New York City. The auction supports the PILO's Student Funded Fellowship, a summer program which pays for the living expenses of selected law students while they work in public interest jobs.

### Inns of Court

CONTINUED  
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members of the Bar are sharper and more mean-spirited than they used to be," he said. "This program is an opportunity to foster more good will. These meetings allow us to get together and talk about issues in a congenial environment. It's hard to find that kind of environment with a large group of lawyers."

Berlin, who will end his term in the program next year after completing his third year as a barrister, said he has particularly enjoyed being able to sit down and talk with judges who have seen a lot of trials and a lot of attorneys. "I worked for a federal judge for two years after law school before I went into practice, and I have missed that insight," he said. "I will miss this program next year."

Dennis Bailey (JD '85) of Bell Davis and Pitt is a young lawyer whose term as a barrister has already expired. "I miss the stimulating discussions and seeing other attorneys in a non-adversarial setting," he said. "It was good at Inn of Court meetings to discuss what works and what doesn't work, what's good and what's not good. When you're in the middle of a case, you can't talk about anything."

U.S. District Court Judge N. Carlton Tilley Jr. ('66, JD '69) is not only a master of the bench, but also a member of the board of directors. Dean Robert K. Walsh recruited from the ranks of Wake Forest law school graduates when he started the chapter.

"Many of the participants in the Inn of Court came through Wake Forest when Dean Carroll Weathers was at the law school," Tilley said. "We still remember the values he taught us about doing the right thing, and many of us fear some



**MELISSA ROSS:** *'IT PROVIDES A PERSPECTIVE THAT YOU DON'T ALWAYS GET IN CLASS.'*

**One participant feels Inn of Court meetings are an effort to return the practice of law to those days when the values of professionalism prevailed.**

of those values have been lost over the years in the practice of law."

Tilley said the Inn of Court meetings are an effort to return the practice of law to those days when the values of professionalism prevailed. "Those of us to whom those values mean a lot want to share those values with young lawyers in order to make skillful professional practice the rule over the gunslinger approach."

Dan Fouts (JD '58) of Adams Kleemeier Hagan Hannah and Fouts in Greensboro, is also a master and a member of the board. He said some of the programs have even taught him a thing or two.

"I learned a lot from one program we had on how to negotiate the settlement of a lawsuit," he said, "and another program we had on the hurdles that minorities and women encounter in their careers was also very revealing in a couple of respects. A female lawyer let us know she takes umbrage at being referred to as 'madam.' I'd been referring to women in the courtroom as 'madam' for thirty-five years. I won't do it again, unless I slip up."

Third-year student Melissa Ross is grateful for the chance the Inn of Court has given her to meet and talk to attorneys and judges. "The programs are practitioner-oriented," she said. "And the dinners are equally informative because we get to hear about individualized experiences. It provides a perspective that you don't always have in class."

Ross said she already has checked her national directory of Inns of Court with an eye toward the future. "I'll probably be working in Raleigh," she said, "and I've found a branch in Durham where I'd like to one day continue as a barrister."

Board president William K. Davis (JD '66) of Bell Davis and Pitt said he values the fact that Inn of Court meetings allow members of bench and bar to come together in an atmosphere that does not involve contested matters, "for no other purpose than to meet, share, and understand."

Walsh admits that he was already a confirmed believer in the American Inns of Court program when he came to Wake Forest. As a practicing trial lawyer in Arkansas in 1985, he helped start a chapter at the University of Arkansas at Little Rock, where he had formerly served as dean of the law school.

"There is more to being a professional than being competent or skilled," he said. "Inns of Court can give us a sense of ethics and professionalism." ■

## Peeples the choice

*Longtime professor named new associate dean of academic affairs*

**A**fter sixteen years in the classroom, Professor Ralph A. Peeples takes on a new role this fall, succeeding Miles Foy as the school's associate dean of academic affairs.

The office should be a natural for Peeples, who during his tenure has earned the praise of students and fellow faculty members alike. Four times he has been awarded one of the school's Excellence in Teaching Awards, three times by students and once by the administration.

Peeples' said his primary goal as associate dean is to continue the efforts of his predecessor, who decided to return full-time to teaching, and for whom Peeples has high praise.

"I think Miles Foy has the trust of every member of the faculty," he said. "He was an ideal associate dean. But in his heart he's a scholar and teacher. It'll be very hard to follow Miles."

Peeples, already immersed in the job, notes that students graduating with law degrees are faced with an ever-widening career path. One of his roles, he said, will be to educate students to new career possibilities and to help them develop the skills necessary to excel in the area they want to pursue.

Students' professional aspirations aside, Peeples said he hopes that after graduating, students will remember Wake Forest as a highlight of their lives.

"Our primary concern is always our students, that they leave here prepared for any career in law," he said. "I hope they will look back and remember Wake Forest law school as the place where they met their best friends, and where the teaching was superb."

Peeples is originally from Charleston, South Carolina, and graduated *cum laude* with a B.A. in English from Davidson College, where he was president of the student body. From college, he went to New York University School of Law as a Root-Tilden Scholar.

Peeples spent three years in Cleveland, Ohio, as an associate attorney at a prominent downtown law firm. In 1979, he left private practice and accepted a position as assistant professor of law at Wake Forest. What he expected to be a brief aside into academics has become a career.

**'Our primary concern is always our students. I hope they will look back and remember Wake Forest law school as the place where they met their best friends, and where the teaching was superb.'**

In addition to his duties at the law school, Peeples is a member of the Board of Directors for the Legal Aid Society of Northwest North Carolina and serves on the North Carolina Supreme Court's Committee on Dispute Resolution. Currently, he is writing a book about North Carolina Business Organizations. He also has been investigating the potential of mediation in medical malpractice cases in a joint project with Catherine Harris, associate professor of sociology at Wake Forest, and Tom Metzloff, a professor at Duke University School of Law.

While Peeples' efforts require substantial commitments of time, he always finds time to spend with his wife and four children at their home in Greensboro. He is an avid fan of the Cleveland Indians and particularly enjoys listening to most any music—with the exception, he notes with a smile, of country and western.

Foy, who joined the law school faculty in 1985, was appointed associate dean in 1990. He now teaches two sections of Contracts I as well as a Legal Research and Writing class. ■



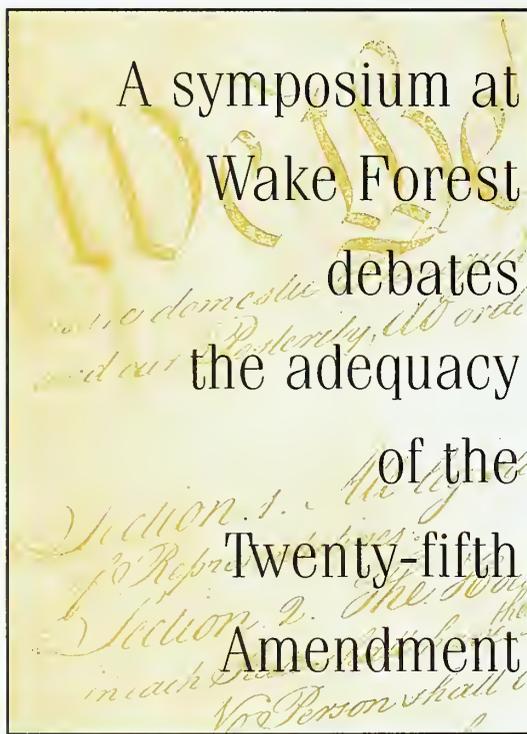
**W**HAT HAPPENS if a President of the United States becomes ill or disabled while in office? By whom, and under what circumstances, is the transfer of power invoked?

It is a critical and delicate issue, and one that is ostensibly covered by the Twenty-fifth Amendment to the Constitution. But there are some who think procedures for implementing the amendment need to be strengthened.

A group of medical professionals, political scientists, scholars, lawyers, and journalists convened at Wake Forest University in November to discuss what one participant described as "the subject most of us don't want to talk about."

The Conference on Presidential Disability, a symposium sponsored jointly by the Working Group on Disability in U.S. Presidents and Wake Forest, included speakers such as former President Gerald R. Ford; former Indiana Senator Birch Bayh, a principal author of the Twenty-fifth Amendment; and Connie Mariano, physician to President Bill Clinton. They participated in discussions on topics including public disclosure of the president's health, the role of the presidential spouse and White House staff, and the presidential physician.

The Working Group first met last January at the Carter Center in Atlanta at the urging of



*by Lloyd Whitehead*

Arthur S. Link and James F. Toole, professors at Wake Forest's Bowman Gray School of Medicine, who had studied presidential medical histories. While he was at Princeton University, Link edited a sixty-nine-volume work on the papers of President Woodrow Wilson, who was incapacitated by a severe stroke for the final year-and-a-half of his presidency.

The list of presidents who have suffered serious illnesses while in office is long. Presidents McKinley, Taft, Wilson, Harding, Coolidge, Franklin Roosevelt, Truman, Eisenhower, and Johnson suffered from coronary heart disease; Wilson, Harding, Franklin Roosevelt, and Eisenhower all suffered strokes; Theodore Roosevelt, Franklin Roosevelt, Truman, Eisenhower, Johnson, and Reagan underwent surgery at least once; and presidents Johnson and Reagan had cancer.

The drafters of the Constitution envisioned the need for rules of succession of a president or vice president, of course, and they crafted in Article 2 a brief clause outlining what should happen in the event of death, resignation, or "inability." The first indication that Article 2 was insufficient came in 1881 after an assassin shot President James Garfield. Garfield lingered for eighty days before finally dying, during which time the country was essentially leaderless: there was neither an attempt to invoke Article 2, nor was there any attempt by Garfield's physicians to apprise the public of his condition. It was only after Garfield's death that the vice president assumed the power of the presidency.

A more severe test of Article 2 came during

**In his keynote address, Former President GERALD R. FORD urged caution in considering changes to the amendment.**

# PRESIDENTIAL PROXY





**During a break in the proceedings, the former president discusses a point with symposium panelist Hugh E. Evans of the New Jersey Medical School, an expert on the medical history of Franklin Delano Roosevelt.**

the presidency of Woodrow Wilson. Even before coming into office Wilson's health problems were so chronic that one physician who examined him said he would probably not survive his first term. Wilson made it through his first term, but suffered a severe stroke during his second term that left him partially paralyzed and less than cogent. But again, not having a clearly defined procedure of succession, there was no effort to remove Wilson from the presidency. From the time of his stroke on October 2, 1919, until he left office on March 4, 1921, the First Lady and cabinet ostensibly performed presidential duties.

It was against that historical backdrop, coupled with the assassination of President John F. Kennedy in 1963, that Congress set out in 1966 to draft a more definitive document on presidential succession. In his remarks, President Ford noted that the Twenty-fifth Amendment has served the country well since its ratification in 1967.

"My own interest, I must say, is slightly more than academic," said Ford, who voted for the proposed amendment while serving in Congress. Ford noted that he was appointed to the vice presidency under the amendment in 1973; succeeded Richard Nixon as president under the amendment in 1974; and subsequently named Nelson Rockefeller to the vice presidency under the amendment that same year. "All examples," he said, "that the Twenty-fifth Amendment works and works well."

But Ford agreed that the office of the president could do more to ensure that the amendment is used in the manner in which the framers had envisioned.

One criticism is that there is no language that refers to the role of the White House physician—or any physician—in determining a presidential disability or an inability to perform presidential duties. Another criticism is that there have been instances where a presidential illness was appar-

ent to the medical consultants and political advisers, but the system did not function in a manner which permitted the vice president or other official to assume the presidency. It has been argued that a contingency plan should be spelled out in the case of illness or surgery.

"I'm embarrassed to admit that, to my knowledge, neither in the Nixon-Ford administration nor in the Ford-Rockefeller administration did we have such a contingency plan," Ford said. He added, however, that it would be a "serious error" to try to change the amendment. A better way to address the issue, he said, would be through legislation.

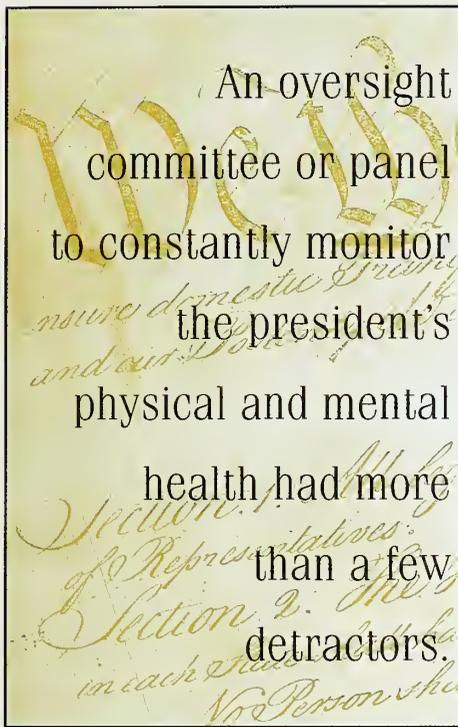
"We should have, as we are at this gathering, a debate on the role of the physician. We should discuss the desirability of a panel of experts. We should discuss the role of the spouse. And we should discuss the matter of the vice president and president developing a contingency plan in the event of tragedy. We should not try to amend the Twenty-fifth Amendment."

Bayh agreed with Ford. "Although we tend to view our presidents as physical supermen, history reminds us that they are not," said Bayh. "What we tried to do in drafting the Twenty-fifth Amendment was create a framework to give marching orders to the principal players, but at the same time not unnecessarily bind them with the Constitution."

Bayh said in order to accomplish that balancing act, there had to be some flexibility in the document. "Critics who have studied the Twenty-fifth Amendment like to point out that it has weaknesses. Those of us who passed the bloody thing knew it had weaknesses. But if we try to resolve those weaknesses, we are in danger of creating more problems."

Even though the role of the physician is not explicit in the amendment, Bayh said the drafters assumed a certain amount of common sense. "Those who drafted the Twenty-fifth Amendment," he said, "anticipated that expert medical opinion would be obtained before the provisions of the amendment were implemented."

Several members of the working group suggested further legislation to correct gaps in the procedural aspect of invoking the amendment and pointed to the Reagan presidency as a prime example of such gaps. On several occasions during Reagan's two-term presidency, observers say, the Twenty-fifth Amendment should have been invoked but was not. One was after the assassination attempt on Reagan in March 1981, just four months into his first term. Reagan underwent surgery, and while he soon appeared to be in good health, critics suggest that the effect of anesthesia, let alone the health consequences of being shot, should have led to Vice President Bush assuming the role of acting president.



Herbert L. Abrams, professor of radiology at Stanford School of Medicine and author of *The President Has Been Shot*, which chronicled the aftermath of the assassination attempt on Reagan, called the failure to invoke the Twenty-fifth Amendment a case of "ignorance, caution, concern and arrogance."

Abrams said he believes there were two other instances when the Twenty-fifth Amendment should have been invoked during the Reagan presidency: when Reagan underwent surgery for colon cancer in July 1985, and again when doctors performed prostate surgery on him in January 1987.

In order to strengthen the Amendment to assure its use in accordance with its intent, Abrams suggests guidelines to invoke an

"acting presidency" as spelled out in the amendment: planned minor surgery requiring anesthesia; planned major surgery; any emergency surgery or anesthesia, as long as there is time for the president to sign enabling letters while he is lucid and capable; the use of psychoactive drugs; the diagnosis of Alzheimer's disease, or any other progressive, mentally disabling condition; and any anticipated situations in which the president is not able to communicate with his government.

Section 4 of the Twenty-fifth Amendment provides for non-presidential invocation of an acting presidency. For this, Abrams proposes the following guidelines: loss of consciousness, a comatose state, or general anesthesia; significant alterations of the president's cognitive facilities; serious injuries; serious and apparently terminal illness from which the president cannot recover, in the opinion of his physicians; Alzheimer's disease, brain tumor or other progressive disease disabling the president, but who will not or cannot step aside voluntarily.

One suggestion that came forward during the symposium was that of forming a committee of medical experts to offer diagnosis and advice in the case of presidential illness or injury. Proponents pointed out several advantages of such a panel, including the problem of addressing the public on the president's health, and the avoidance of conflict of interest that could arise. The scenario of a presidential physician masking an illness or disability in order to protect his or her job, they said, was not entirely far-fetched.

Bert E. Park, a neurologic surgeon and the author of *The Impact of Illness on World Leaders*, said a panel of doctors from different fields of medicine would insure that the president gets

the very best health care. "I'm the second-opinion man," Park joked at one point during panel discussions. "Why shouldn't the president have the very best doctors in the country on hand to offer their opinions?"

But an oversight committee or panel to constantly monitor the president's physical and mental health had more than a few detractors. President Ford noted that the doctor-patient relationship—when the patient is the president—is a delicate balancing act between responsibilities to the patient and responsibilities to the public.

"I happen to feel very strongly that the maximum amount of information should be given to the public," Ford said. "But I have serious reservations about a panel of doctors called together to make a diagnosis of the president. Who selects the members of the panel, and when are they selected? What specialty would they be from?"

John D. Feerick, dean and professor of law at Fordham University and author of *From Failing Hands; The Story of Presidential Succession*, outlined what he believed were several problems with formal panels: their constitutionality; their potential for degradation of trust and confidence in the relationship that the president has with his doctors; and the fact that mental competency is a judge's decision, not that of a medical panel.

While he agreed that there are problems, noting that "presidents, without question, have to do a better job of educating their staffs and the public about contingency plans," he believed legislation impractical.

"The Twenty-fifth Amendment was the result of an enormous amount of work and thinking, from 1879 to 1967, from a great body of people including medical doctors, judges, political scientists and others," said Feerick. "This was not the result of any two-day meeting, but eighty or more years of thinking on the subject. I don't think it is for Congress or for the medical community to tell the president how to handle the Twenty-fifth Amendment."

The debate on most of these issues will continue, but at least one idea seemed to meet the approval of many of the panelists: that a newly elected president should adopt a written contingency plan with the vice president prior to inauguration. That alone, many panelists said, might make further legislation unnecessary.

According to Wake Forest Professor of Law H. Miles Foy, chair of the organizing committee for the symposium, the group will be working on a final report over the next several months.

"These are people who have thought seriously about this problem for a long time," said Foy. "They are participating in this discussion of their own initiative. This symposium has been a major effort, an interdisciplinary effort, on the part of Wake Forest." ■

# WOODROW WILSON: A CAUTIONARY TALE

by Arthur S. Link

**A**LTHOUGH THERE HAVE been several instances in American history when the president was disabled and unable to perform his duties, no administration has faced the dire consequences of such a disability as that of Woodrow Wilson.

President Wilson, who suffered hypertension, stroke, and vascular disease of the retina, was disabled from October 1919 until the inauguration of Warren G. Harding in March 1921. Even so, had provisions of the Twenty-fifth Amendment been in effect during Wilson's presidency, there is some question whether they would have been invoked in the manner intended by the drafters.

President Wilson's disability occurred during one of the most critical periods in the history of the United States. The Senate was in the midst of deliberations over American membership in the League of Nations, and the United States was being forced to confront its traditional stance of isolation and assume leadership in the world in an effort to promote peace.

Any historian acquainted with the details of Wilson's biography would not be surprised by the fact that he suffered a devastating stroke on October 2, 1919, resulting in paralysis of the left side of his body. Since at least 1896, Wilson had suffered from intermittent episodes of paralysis due to hypertension and occlusions of the left carotid artery.

In 1896, for example, he lost the use of his right arm for about eight months. In 1906, he had a much more serious attack—an occlusion of the major vein in his left eye, which left him with only peripheral vision in that eye for the rest of his life. By the time Wilson was elected to the presidency in November 1912, his poor health prompted S. Weir Mitchell, the famed Philadelphia neurologist who examined Wilson, to conclude that Wilson would probably not live out his first term.

Wilson's personal physician, Cary Travers Grayson, put Wilson on a strict regime of a simple diet combined with exercise, relaxation, and stress avoidance. On the whole, Grayson kept Wilson's hypertension under control. The United States' entry into World War I greatly disrupted Grayson's regime, however, particularly after the American army became heavily involved in the fighting on the Western Front in spring 1918. Wilson insisted on overseeing virtually every detail, and usually worked far beyond his limited physical resources. His health had begun to decline again. Still, he was able to marshal his physical resources and go to Paris in December 1918 to head the American Commission at the Paris Peace Conference, joining the so-called Council of Four, which consisted of Prime Minister David Lloyd George of Great Britain, Premier Georges Clemenceau of France, Prime Minister Vittorio

Emanuele Orlando of Italy, and Wilson himself.

There was a premonitory danger signal, however, on April 3, 1919, when Wilson came down with a viral infection that caused a very high fever, delirium, and encephalitis. Worse still, three weeks later, while Wilson was still in Paris, he suffered a "small stroke" that produced significant personality changes, memory loss, and bizarre behavior. From this point on, dominance over the Council of Four passed to Lloyd George, as evidenced by controversies over Italian claims in the Adriatic and concessions to Germany in the final peace treaty.

Wilson returned to the United States on July 8, 1919, unwell and unable to function with his usual political skill. Just when it seemed that Wilson would be able to form a pro-League of Nations coalition of Democratic and leading Republican senators, disaster struck. On July 19, 1919, Wilson suffered a stroke so severe that it was obvious that his hypertension had reached the malignant stage. Rejecting the olive branch held out by his putative Republican allies, Wilson decided in early August 1919 to embark upon a speaking tour of the Midwest and Far West to rally public support for the League of Nations.

Grayson begged his chief not to undertake so hazardous a journey, but Wilson was now beyond the point of reason. "There was lead where my heart ought to be," Grayson

later remembered, "but I knew the debate was closed, that there was nothing I could do except to go with him and take such care of him as I could."

The tour took Wilson and his party from Washington, D.C., to Seattle, then down the Pacific Coast and on to Colorado. The trip became a physical nightmare for Wilson. Blinding headaches and asthmatic attacks kept him from sleeping, and he suffered congestive heart failure. Grayson finally canceled the trip after Wilson suffered a stroke warning in Colorado on September 26, 1919. The presidential train arrived back in Washington two days later. On the morning of October 2, 1919, Mrs. Wilson went into the President's room, where she discovered that her husband's left side was paralyzed. Mrs. Wilson left the room to call Dr. Grayson and returned to find that the President had collapsed on the bathroom floor. He had suffered yet another stroke.

Wilson's chronic health problems could not have come at a worse time. The battle over the League of Nations Covenant was nearing a climax in the Senate. The United Mine Workers had called for a nationwide coal strike to begin on November 1. The country was overcome with fear of communism. A decision concerning the return of the railroads to private ownership had to be made soon. The American Commission to Negotiate Peace was still in Paris, working principally on



**Woodrow Wilson's wife, Edith, vetoed disclosure of her husband's ill health and assumed some of his duties.**

the treaty between Italy and Austria, and needed presidential guidance. Not since the secession crisis of 1860-61 had the country been in such need of wise and strong presidential leadership. Something needed to be done to ensure the continuation of uninterrupted presidential power.

On October 2, 1919, during the afternoon following Wilson's stroke, Grayson issued a press release. He had called in Francis X. Dercum, a noted neurologist from Jefferson Medical College, as

well as other specialists. They all agreed that Wilson would require "absolute rest" for a period of time. A reporter who talked with Grayson ended his dispatch with the following revealing statement:

*"It is understood that all matters of international or national interest will have to be dropped by the President for the time being. It is regarded as of paramount importance to relieve his mind of worry and strain. Even under favorable conditions, it cannot be predicted at present how long it will be before the President can resume his official duties."*

In other words, Wilson was disabled within the constitutional meaning of the term.

The leader of the Cabinet,

Secretary of State Robert Lansing, read Grayson's bulletins and then had an interview with the doctor and Wilson's chief of staff, Joseph Patrick Tumulty, on the morning of October 3, 1919. Let Lansing tell the story as he wrote it in his desk diary:

*Conferred with Tumulty and Grayson in Cabinet room. Tumulty pointed to left side significantly. Discussed V.P. [Thomas Riley Marshall] acting as Prest. Decided to call Cabinet meeting Monday. P[ost]. M[aster]. G[eneral]. phoned me about Shantung amendment and Italian ratification. There for an hour ... Secy Baker. Told him of serious situation of Prest. Approves Cabinet meeting ... Hood [Edwin Milton*

*Hood, dean of the Washington press corps] on precedents as to V.P. acting as Prest. None ... Called meeting of Cabinet for Monday at 11 a.m....*

In his letter to Undersecretary of State Frank Lyon Polk dated October 4, 1919, Lansing added:

*As Grayson admitted in reply [at the conference in the Cabinet room on October 3] to my question that it would be weeks and probably months before the President could resume his duties, if he recovers at all, I said that the possibility of the Vice-President assuming the Presidency would have to be considered, since the work of the Government would have to go on.*

Thus, Lansing at least sensed that Wilson was too disabled to continue performing presidential duties. The Cabinet met at the appointed time, on Monday, October 6, 1919, with Grayson present at Lansing's invitation. The Secretary of State asked Grayson direct questions as to the exact nature of the president's illness, how long he would be sick, and whether his mind was clear. Grayson refused to answer the first two questions, and said that Wilson's mind was not only clear but very active, and that the president was much annoyed that the Cabinet was meeting without his approval.

Lansing did not press his questions, abandoning his initiative due to a lack of support from his fellow Cabinet members.

Because of concern for his patient, a patriotic sense of duty, and above all, a leak to *The New York Times* regarding Wilson's health, Grayson decided to make a full disclosure of Wilson's condition. Grayson and Dercum organized a strategy. Grayson would prepare a memorandum describing Wilson's medical history since the western tour of September 1919. This memo



**The author, ARTHUR S. LINK (left), confers with symposium panelist Bert E. Park.**

was prepared on or around October 15, 1919. A statement by another consultant, Rear Admiral Edward R. Stitt, head of the Naval Medical School, would be added to Grayson's memo. Finally, Dercum would type his notes from his first four examinations of Wilson. All of these documents would be given to the press. Grayson submitted these documents to Mrs. Wilson for her to approve their release, but she absolutely vetoed their publication. As a final effort, Grayson tried to persuade President Wilson to resign. Mrs. Wilson was much opposed to the idea of her husband's resignation, although it was probably other events that caused the president to abandon his decision to resign.

Engaging in a bit of counterfactual history, assume for now that the text of the Twenty-fifth Amendment, with its provisions for succession in the event of presidential disability, was in the Constitution during Wilson's presidency instead of the following provision from Article II:

*In Case of the Removal of the President from Office, or his Death, Resignation, or Inability to discharge the Powers and duties of the said Office, the same shall devolve on the Vice President, and*

*the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the disability be removed, or a President shall be elected.*

Even if the quoted language above had been replaced by the Twenty-fifth Amendment by the time of Wilson's presidency, I do not believe that the succession provisions would have been invoked.

Section 3 of the Twenty-fifth Amendment stipulates that the president may inform the president pro tempore of the Senate and the Speaker of the House of Representatives that he is unable to discharge the duties of his office. Whereupon, the president's powers and duties shall be discharged by the vice president as acting president until the president transmits a written declaration that his inability has ended. This provision would have offered a potential solution in 1919, but it is hardly conceivable that Wilson would have acted to bring in the vice president to assume the executive power during the period of his disability.

During the three months following his devastating stroke, Wilson was emotionally and psychologically incapable of taking any such action. Only Mrs. Wilson and Joseph

Tumulty, Wilson's chief of staff, could have taken such action on behalf of the President. Moreover, any such move by them would have been unlikely, even if Grayson had urged them to take this action. Tumulty later wrote that he rebuffed Lansing's tentative initiative with a hysterical pledge of loyalty to his stricken chief. In light of Mrs. Wilson's reaction to Grayson's attempt to make a full disclosure of her husband's condition, it is also unlikely that she would have acted under Section 3.

Section 4 of the Twenty-fifth Amendment provides for action by the vice president and Cabinet in the event that a disabled president is unable to act. Clearly, full responsibility rests with the vice president and Cabinet to take the initiative if the president is incapable of following the procedures of Section 4. The vice president in 1919, Thomas R. Marshall, former Governor of Indiana, was a passive person. In light of Marshall's demeanor, it is inconceivable that he would have declared President Wilson unable to fulfill his constitutional duties. But had Marshall been willing to act, all of the Cabinet members except Lansing would have refused to join him so long as Grayson held out any hope that the president would recover. Thus, it seems impossible that, under Section 4 of the Twenty-fifth Amendment, the persons who would have had to act during the constitutional crisis of 1919-20 would have so acted.

Going back to the situation as it actually occurred in the autumn of 1919, the business of the government was, with the exception of foreign relations, ably carried out by Tumulty and the members of the Cabinet. The great question at the time was whether Wilson would compromise with the Republican majority of the

Senate on reservations to the League of Nations Covenant in order to secure consent for ratification of the Versailles Treaty. Wilson had appeared willing to compromise during summer 1919. But by 1920, his mind, now unable to think abstractly and to accept political realities, hardened more and more against any measure of compromise. Thus, when the treaty came up for the final vote in the Senate on March 19, 1920, it was defeated after Wilson, with Tumulty's assistance, sent a letter to the Senate demanding that Democratic senators vote against ratification of a treaty with any reservations. An additional factor in Wilson's decision to reject the treaty was his belief that he would be nominated for a third term, run for the presidency on a pro-League platform, and be vindicated at the hands of American voters.

The story of President Wilson's disability clearly foretells what might well happen under the Twenty-fifth Amendment today. Wilson's disability created a situation in which the secretary of state was unable to rally the Cabinet behind a move to secure a temporary transfer of executive authority to the vice president. In addition, Grayson's effort to come clean with the American people failed because Mrs. Wilson would not permit him to violate the rule of confidentiality between doctor-patient-spouse. Could a similar situation occur today under the provisions of the Twenty-fifth Amendment? I leave this question to the thoughtful decision of the reader. ■

*Arthur S. Link is editor of The Papers of Woodrow Wilson, 69 vols. (Princeton, N.J., 1966-1994); and Historian of the Bowman Gray School of Medicine at Wake Forest University. The preceding article was first published in the Fall 1995 edition of Wake Forest Law Review.*

# Law for the Elders

by David Fyten

TO EVERYTHING THERE IS A SEASON, AND LIFE'S LATE AUTUMN IS A TIME FOR MATTERS OF LIFE AND DEATH.

An aged relative's infirmity can require nursing home care, which can quickly exhaust a family's savings. Should an elderly loved one lose mental capacity before a proper will is prepared, a host of issues—from estate disposition to artificial life support—can get tangled in a thicket of probate and litigation.

Legal assistance can straighten matters out, but a lawyer's services are often beyond the means of a low- or moderate-income elderly person. Senior citizens on limited incomes in the Winston-Salem area of North Carolina have a place to turn in the Legal Clinic for the Elderly.

*Wake Forest  
law students are  
serving clients at  
a stage of life when  
legal assistance can  
be most needed but  
least affordable.*

The clinic, conducted by Wake Forest University School of Law in conjunction with the geriatrics program of the University's Bowman Gray School of Medicine, offers free legal assistance to moderate-income senior citizens by second- and third-year law students. Working under the supervision of a managing attorney, the students prepare wills, powers of attorney, and advance medical directives and assist their clients with Medicare or Medicaid questions and administrative appeals, debt problems, guardianships, and a variety of other legal matters.

In the clinic's four years of existence, ninety-one students have handled a total of 521 cases—five or six apiece, on average. Each week over the course of a semes-

ter. they work eight hours in the clinic and attend a two-hour lecture. Kate Mewhinney, an associate clinical professor at the law school, teaches the course and has served as the clinic's managing attorney since its inception.

The clinic was launched in 1991 with a matching grant from the U.S. Department of Education.

Mewhinney, a New York native with more than fifteen years of experience in public interest law, credits William R. Hazzard, director of the J. Paul Sticht Center on Aging at Bowman Gray, with providing important early support. "[His] goal was to develop a multidisciplinary, holistic approach to aging by establishing a program in which older people could be assisted by a team of professionals, including doctors and social workers," she says. "He wanted to incorporate a legal component because legal issues, such as mental capacity, are often a factor [in elderly care]."

Although it continues to work closely with the aging center whenever appropriate, the clinic has gradually developed its own client base.

The clinic acquaints students with a field of law that is growing rapidly. In 1990, people over 65 represented 13 percent of the U.S. population; by 2020, they will account for 18 percent. The number of people over 85—those who require the most care, suffer the most loss of mental capacity on average, and face end-of-life issues most immediately—is expected to grow from 3 million in 1990 to 8.1 million in 2030 and more than 15 million in 2050. And the pace of regulatory change in Medicaid and other areas will require increasingly specialized practitioners.

The skills students acquire from the program, however—interviewing and building rapport with clients; investigating cases; negotiating delicate issues; protecting clients' rights—will be useful to them in whatever fields they practice.

"I want each student to do several wills and advance medical directives, including health care powers of attorney and living wills," says



**HEATHER POULIN, with**  
*Angelene Anderson, 96:*  
*an 'incredible, invaluable*  
*experience.'*

Mewhinney, who is one of only two certified elder law attorneys in North Carolina and serves on the board of the National Academy of Elder Law Attorneys. "It's a tough job market. The more skills students can bring to prospective employers, the more attractive they will be."

Participants—both students and clients—praise the program. John

Comegno II, a second-year student from Moorestown, New Jersey, had four clients in early fall. His cases included wills, Medicaid hearings, consumer debt, and powers of attorney. "I was nervous in working with my first couple of clients," he says. "Solving a problem for someone in the real world is different than doing it in the classroom. But the experience has been invaluable; a lot of students don't have that. I definitely feel I'll have an edge." One of his clients was Frances Scales, a 74-year-old mother of four whose husband died last January. She needed a will, and Comegno prepared one for her. "I've been very satisfied," she says. "I plan to tell another elderly lady I know who needs help [about the clinic]."

Angelene Anderson, 96, and her son called the clinic for assistance in setting up a power of attorney. But after speaking with Heather Poulin, a third-year student from Salem, Virginia, who was assigned her case, she decided to also prepare a living will and a health care power of attorney. This allows her to state her preference that no extraordinary or artificial means be taken to prolong her life.

"I've never been in a condition so that I didn't know people and couldn't think for myself," Mrs. Anderson says. "I always want to be that way. I know that if I get sick, I won't get well and I'll suffer. You have to think about it before you get to that point."

"Listening to clients, learning how to interact with them, and giving them what they need is tremendously satisfying to me," says Poulin, who hopes to practice juvenile or elder law. "The clinic has been an incredible, invaluable experience." ■



### Nourishing their roots

*Brothers with long family ties to Wake Forest establish two scholarships in the law school*

**T**WO BROTHERS WHOSE family ties to Wake Forest date back nearly one hundred years are establishing scholarships in the School of Law, the College, and the proposed divinity school.

Thomas Lawrence "Larry" Pollard (JD '74) and his wife, Brenda, and J. Davis Pollard and his wife, Rhonda, all of Durham, are establishing a trust for Wake Forest with proceeds from the sale of part of their family homeplace near campus. The trust, worth approximately a quarter of a million dollars, eventually will fund scholarships in honor of the Pollards' maternal grandparents and mother.

Two of the scholarships will be in the School of Law: the Egbert L. "Pappy" Davis Scholarship and the Thomas Lawrence Pollard Scholarship.

"I wanted to fund two law scholarships with this gift because I received an excellent legal education at the law school and made many wonderful friendships with students and faculty members that still endure," said Larry Pollard. "One of the law scholarships will be in our grandfather's name because he was one of the early graduates of the law school."

The Pollards' grandfather, Egbert L. Davis (JD '04), was one of the University's most influential trustees and served on the planning and building committees for the Winston-Salem campus. Davis Residence Hall is named in his honor. The Pollards' uncles, Tom (LLD '84) and Egbert Jr. ('33), are both life trustees of the University. Dave and Rhonda Pollard's daughter, Joy, is a sophomore at Wake Forest, the fourth generation of Egbert Davis' family to attend Wake Forest.

The Pollards' gift also will fund three other scholarships: the Annie Pearl Shore Davis Scholarship in the divinity school in memory of their grandmother; the Julia Davis Pollard Scholarship for undergraduates majoring in art in memory of their mother; and the J. Davis Pollard Family Scholarship in an area still to be determined.

Although the Pollards grew up in Durham, their ties to Wake Forest were established early



**ABOVE:** LARRY (LEFT) AND DAVE POLLARD ARE ESTABLISHING FIVE SCHOLARSHIPS AT WAKE FOREST, INCLUDING TWO IN THE SCHOOL OF LAW, ONE OF WHICH WILL BE NAMED FOR THEIR GRANDFATHER, EGBERT L. DAVIS.

during frequent visits to their grandfather's house at the corner of Polo and Reynolda roads. The property that will be sold to fund the trust is across Polo Road from the house in what is known as the Sunnynoll development.

"Growing up, when my family would travel to Winston-Salem to visit relatives, I can remember playing in the back yard of my grandfather's house," Larry Pollard said. "He would point, with pride, to the steeple of Wait Chapel under construction in the distance, and he would remind us that it was a symbol of our Baptist faith and heritage. I felt in my heart, what could be a more appropriate way to honor 'Pappy' and our family's long association with Wake Forest than to give some of the property that he left us to the University."

Dave Pollard, who was nine years old when his grandfather took him to the groundbreaking for the new campus in 1951, remembers it well. "I remember vividly seeing my grandfather standing on the platform near President Truman and [College] President [Harold] Tribble. Afterwards, 'Pappy' gave me a jar of dirt from the groundbreaking to take home. It was like pure gold to me! I really admired my grandfather. He loved Wake Forest, and so do I." ■

**'I wanted to fund two law scholarships because I received an excellent education at the law school and made many wonderful friendships.'**

—LARRY POLLARD

## 1931

**Wade Brown** of Boone, NC, has received the prestigious Liberty Bell Award, given to an individual "who has strengthened the American system of freedom under law."

## 1934

**Woodrow Teague** of Raleigh, NC, has been elected to the board of trustees of Lees McRae College in Banner Elk, NC.

## 1943

**James Toliver** of Forest City, NC, has retired as a U.S. magistrate judge.

## 1951

**Leroy Robinson** (BS '50) of Charlotte has retired as the general counsel of Belk Stores Services, Inc.

## 1957

**Howard Twiggs** (BS '54) has been elected president-elect of the Association of Trial Lawyers of America. He is a partner in the firm of Twiggs, Abrams, Strickland & Trehy in Raleigh. (See profile on inside back cover.)

## 1959

**Koy Dawkins** of Monroe, NC, has been elected to the American Board of Trial Advocates.

## 1960

**Kenneth Etheridge** (BS '58) has retired from the firm of Etheridge, Moser, Garner and Bruner in Laurinburg, NC.

**Marvin Gray** (BA '58), a special Superior Court judge of the

26th Judicial District, has been named to the Judicial Standards Commission, a panel which investigates charges of judicial misconduct.

**Louis Meyer** (BA '55) of Wilson, NC, has received the Ernest H. Ball Award, which is given by the North Carolina Association of Municipal Attorneys to recognize excellence in the practice of municipal law.

## 1963

**Fred Morrison** of Raleigh, NC, has been reappointed to the North Carolina Sentencing and Policy Advisory Commission.

**Ralph Walker** (BBA '58) of Greensboro, NC, is chair of the new North Carolina Dispute Resolution Committee.

## 1964

**Larry Sitton** (BA '61) has become a fellow of the American College of Trial Lawyers. He is a partner with Smith Helms Mulliss & Moore in Greensboro, NC.

## 1967

**F. Leary Davis** (BA '64) is a Campbell University law professor and has been inducted into the Fellows of the College of Law Practice Management.

## 1970

**John Carriker** (BA '67) of Wilmington, NC, is serving as the interim district attorney in the Fifth Judicial District of North Carolina.

## 1973

**Alfred G. Adams** (BA '68) recently made a presentation

## Giving News

### Law Fund

Almost \$100,000 has been contributed to the 1995-96 Law Fund drive. As of early November, \$98,651 in gifts and pledges had been received toward the goal of \$425,000, said Dan McGinn (BA '64, JD '67) of Greensboro, North Carolina, chair of the campaign.

Commitments of \$90,105 were received from 774 alumni during the Law Fund telethon in September, exceeding the goal by \$5,000 and the amount raised last year by \$6,000. Fifty-five students, fifteen alumni, and several members of the law school faculty made calls during the telethon and reached 1,370 alumni.

McLaurin Hill (JD '96), an intern in the law alumni and development office, will be calling alumni who were missed during the telethon.



DAN MCGINN



McLAURIN HILL

on "The Art of Preparing Legal Description" to the Real Property Section of the North Carolina Bar Association at its annual meeting. He is a partner with Petree Stockton in Winston-Salem.

**Mitchell Baker** (BS '73) of Lumberton, NC, spoke at a recent Insurance Law Seminar.

**Wade Byrd** of Fayetteville, NC, is the president-elect of the North Carolina Academy of Trial Lawyers.

**Joseph Cheshire** of Raleigh, NC, has been selected as a fellow of the American Board of Criminal Lawyers.

## 1974

**Richard Bennett** (BA '68) is the secretary for the North

Carolina Association of Defense Attorneys. He is an attorney with Bennett & Blanco in Winston-Salem.

**W. Edward Poe Jr.** (BA '71) of Charlotte has been elected to a three-year term on the Board of Governors of the North Carolina Bar Association.

## 1975

**D. Clark Smith** (BS '72) of Lexington, NC, is a board member of the North Carolina Association of Defense Attorneys.

**Sam Neill** (BS '72) of Hendersonville, NC, is the chairman of the UNC Board of Governors.

## Giving News

### Partners' Banquet

**R**onald F. Wright Jr. received the Joseph Branch Excellence in Teaching Award at the twenty-third annual Partners' Banquet in October.

Wright, who has been at the law school since 1988, teaches criminal procedure and administrative law.

About one hundred and seventy-five people attended the banquet which recognizes alumni and friends who make annual gifts to the law school at one of the partners' giving levels. David G. Epstein, a partner with King & Spalding in Atlanta and a former dean of the law schools at the University of Arkansas and Emory, was the banquet speaker.

Also at the banquet, thirty firms and companies participating in the "Firm Rep" program



DAVID G. EPSTEIN

were named to the Dean's Honor Roll for 1994-95. The Dean's Honor Roll recognizes firms and companies that achieve 100 percent participation in the Law Fund from all the Wake Forest law graduates at the firm or company. Seventy-three firms and companies that employ four or more law school graduates participate in the Firm Rep program.

**Robert Elliot** is vice chairman of the NCBA's labor and employment law section. He is a partner with Elliot, Pishko, Gelbin, & Morgan in Winston-Salem.

**Charles Hagan** has received the Distinguished Service Award, the highest honor of the Greensboro bar. He is a founding partner of Adams Kleemeier Hagan Hannah & Fouts in Greensboro, NC.

**Doug Sullivan** (BA '73) has been promoted to president and chief operating officer of Michael's Stores, Inc. in Irving, Texas.

### 1978

**Reginald Combs** (BA '76) has been elected to chair the Ethics and Grievance Committee of the 21st Judicial District Bar in North Carolina. He is a partner

with Blanco Tackabery Combs & Matamoros in Winston-Salem.

**William Sturges** of Charlotte has joined Schumaker, Loop and Kendrick as a partner. He will practice in the area of labor and employment law and business litigation.

**Dennis A. Wicker**, lieutenant governor of North Carolina, has been honored in his hometown. The Lee County Civic Center in Sanford, NC, has been renamed the Dennis A. Wicker Civic Center.

### 1979

**Douglas Abrams** (BA '76) of Raleigh, NC, has been elected president of the North Carolina Academy of Trial Lawyers.

**L. Talton Dark** has joined the firm of David Learner & Associates in Morganton, NC.

**Thomas McClellan** is a principal with the Asheville, NC, firm of Shuford, Best, Cagle, Brondyke & Wolcott.

**Mona L. Wallace** has been elected to the board of the Trial Lawyers for Public Justice

Foundation. She is a partner with Wallace & Whitley in Salisbury, NC.

### 1980

**Lynn Burleson** has received the Gwyneth B. Davis Award given by the North Carolina Association of Women Attorneys for his work on alimony law. He is a partner in the family law section of Petree Stockton in Winston-Salem.

**Richard S. Edwards** is minister at First Farragut United Methodist in Knoxville, TN.

**Eric Evenson** is an assistant United States attorney in Raleigh, NC. He is chief of the Organized Crime Drug Enforcement Task Force for the Eastern District of North Carolina.

### 1981

**Martin Garcia** has received the "In The Trenches" award from the Trial Lawyers Section of the Hillsborough County Bar Association in Tampa, FL. He is a partner with Hill, Ward & Henderson.

### 1976

**Allen Holt Gwyn** of Greensboro, NC, has been elected to the ten-member Governing Committee of the American Bar Association's Forum on the Construction Industry. The Construction Industry Forum is the premier national organization of construction lawyers.

**Bob O'Quinn** has just published *The Bermuda Virus*, a thriller about a virus that kills 99 percent of humanity. He is an attorney in Wilmington, NC.

### 1977

**James K. Dorsett** has been elected a fellow of the International Society of Barristers. He is a partner in the law firm of Smith, Anderson, Blount, Dorsett, Mitchell, & Jernigan in Raleigh, NC.

No news  
is bad news.

*The Jurist* wants your good news and photos so we can share them with your classmates. Job changes, promotions, honors, marriages, and new kids. . . send it all to the Jurist —

JURIST CLASSNOTES  
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P.O. Box 7227 Reynolda Station  
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**Richard Glazier** of Fayetteville, NC, has been elected to the North Carolina Academy of Trial Lawyers Board of Directors.

**Gordon Widenhouse** of Raleigh, NC, is a vice president of the North Carolina Academy of Trial Lawyers.

## 1982

**Micah D. Ball** has joined the Greenville, NC, law firm of Colombo, Kitchin, Johnson, Dunn, & Hill.

**Rudy Ogburn** (BA '79) has been named a principal in Young Moore Henderson & Alvis in Raleigh, NC.

**Julie Montgomery Watson** has become a partner in the firm Connor, Bunn, Rogerson, & Woodard in Wilson, NC.

## 1983

**Marcia H. Armstrong** has received the Gwyneth B. Davis Award from the North Carolina Association of Women Attorneys.

**Thomas Templeton** is with the firm of Templeton and Raynor in Charlotte, formed March 1, 1995.

## 1984

**John J. Carpenter** (BS '80) is with the firm of Culp, Elliot, and Carpenter. He lives in Charlotte with his wife, Beth Jones Carpenter (BA '83), and their three daughters.

**Robert Fields** is a partner with Womble Carlyle in Raleigh, NC. He is in the product liability practice group.

**Craig A. Minegar** has joined the firm of Cohen, Todd, Kite, & Stanford in Cincinnati, OH.

## 1985

**Daniel Barrett** (BA '81) has been named to chair the NCBA's labor and employment law section. He is a partner with Edwards, Ballard, Clark & Barrett in Winston-Salem.

**Kenneth Carroll** (BA '82) has relocated to the Raleigh, NC, office of Womble Carlyle. He is a partner in the firm's corporate and securities section.

**Connie Hays Jackson** is an attorney with Trigon Blue Cross Blue Shield in Roanoke, VA, and is an active member of the Virginia State Bar.

**Lisa T. Kelly** (BA '80) has joined the firm of Essex, Richards, Morris, Jordan & Cannon in Charlotte.

**Will Martin** is now working as in-house counsel for Health Services International, based in Winston-Salem.

## 1986

**Scott Phillips** was named general counsel of Ft. Lauderdale-based Republic Waste Industries, Inc. He lives in Atlanta, GA.

**Allan Brandon Tise** is president of the New Hanover County Bar Association and president-elect of the Fifth District Bar Association in North Carolina.

**Clifford Britt** (BA '82, MBA '86) is a partner with Robinson Maready Lawing and Comerford in Winston-Salem.

## Do you know me?

The Law School has lost track of the following graduates and needs your help locating them. If you know the whereabouts of any of them, please contact the law alumni office, 910-759-4831.

### 1950s

Wilbur T. Picklesimer (JD '50)  
Anthony F. Barone (JD '51)  
Neil C. Batelli (JD '51)  
William Clyde Haire ('49, JD '51)  
Robert Lee Savage Jr. ('51, JD '53)  
James A. Simpson ('49, JD '53)  
Harry Luther Hellig Jr. (JD '56)  
Robert Allen Lassiter ('55, JD '57)  
Adamandio Stanley Alexiou (JD '59)  
Paul L. Beck (JD '59)  
Alonzo Hill Gainey Jr. (JD '59)  
Hal F. Haire (JD '59)

### 1960s

Robert F. Rush (JD '60)  
James Monroe Yelton Jr. (JD '60)  
Eiton Smith Hudson ('59, JD '63)  
Andrew M. Balanda (JD '64)  
William D. Parrish (BS '59, JD '64)  
Jerry Charles Wilson ('62, JD '64)  
William Robert Curtis ('60, JD '65)  
Thomas J. Davis (BA '62, JD '65)  
William L. Stafford Jr. ('63, JD '65)  
Eduard A. Liles (JD '66)  
Milton Berl Crotts (JD '67)  
Larry G. Graham (JD '68)  
William Keith Davis ('66, JD '69)  
Paul D. Fann (JD '69)  
Samuel L. Whitehurst ('66, JD '69)

### 1970s

Jerry L. Brantley (JD '71)  
Harold C. Doster (JD '71)  
Patrick V. Terranova (JD '71)  
Kenneth E. Hendrycy (JD '72)  
John M. Sease (JD '72)  
Bruce Cameron Fraser (JD '73)  
Clyde M. Harvey (JD '73)  
Robert Harvey Swennes (JD '73)  
Jerry F. Waddell (JD '73)  
Charles Clark Baker (JD '74)  
John Wayne Brown (JD '74)

John G. Morgan (JD '74)  
David Yates Bingham ('72, JD '75)  
John Franklin McGeorge Jr. (JD '75)  
William Van Overman (JD '75)  
Darrell L. Sechrest (BA '73, JD '75)  
Haywood Ray Starling Jr. (JD '75)  
David Roy Blackwell (JD '76)  
Melvyn H. Brown Jr. (JD '76)  
Randall Wayne Koder (JD '76)  
Terry James Miller (JD '76)  
Nancy Adeleine Smathers (JD '76)  
Robert Reed Anderson Jr. (JD '77)  
Thomas B. Carpenter ('74, JD '77)  
Randall S. Henderson (JD '77)  
John Michael Owens (JD '77)  
David Sigmund Williams ('74, JD '77)  
Hugh Martin Barrett Jr. (JD '78)  
Mark Dowdell Cullen (JD '78)  
Jennifer Godfrieda Parser (JD '79)

### 1980s

Jeffrey Mark Gellis (JD '80)  
Robert Bruce Kelso (JD '80)  
Carolyn Russell Mauritz (JD '80)  
Michael K. Cameron (JD '81)  
Steven Willard Lambert (JD '83)  
Todd Alan Goodling ('81, JD '85)  
John Desmond Shine Jr. (JD '85)  
Stephen J. Chovanec (JD '87)  
Edward R. Gaines III (JD '87)  
Mark Hamilton Harris (JD '87)  
David John Oskam (JD '87)  
Steven Johns Talcott (JD '87)  
Elizabeth Robina Morris (JD '88)  
Ellen Fairfield Parsons (JD '88)  
Scott Richard Williamson (JD '88)  
Carole Gordon Gillio (JD '89)  
Scott Edward Lawrence (JD '89)  
Joon Kook Park (JD '89)  
Thomas Alan Schmidt (JD '89)

### 1990s

Philip S. Andrews (JD '90)  
Charles Wayne Coltrane (JD '90)  
Karen VeAnn Friesen (JD '90)  
John Fitzgerald McLemore (JD '90)  
Joseph G. Williams III (JD '91)  
Jill Kristin Folske (JD/MBA '92)  
Steven Hale Levin (JD '92)  
Debbie Darlene Thompson (JD '92)  
Mary Kett Healy Driskill (JD '93)  
Elizabeth Carlton Jenkins (JD '93)  
John Lee (JD '93)  
Nicholas George Vlahos (JD '93)

**T. Dan Womble's** (BA '83) private law practice in Winston-Salem was voted the West Area Council's business of the year.

## 1987

**Teresa Murphy Brenner** is senior counsel with Nations-Bank legal department. She works in the corporate securities and mergers and acquisitions area.

**Ronald Hicks** has been named partner at the Pittsburgh, PA, law firm of Meyer, Unkovic, & Scott.

**Susan Sparks** has recently moved to New York City as vice president and associate general counsel of Citicorp Credit Services.

**Jan E. Yarborough** has joined the law firm of Petree Stockton in Winston-Salem.

## Giving News

### Parents' Campaign

The annual Parents' Campaign began last month seeking to raise \$25,000 for the Law Fund from parents of current and former law students.

John and Priscilla Trinder of Virginia Beach, Virginia, are chairing this year's campaign which will run through January 6. Their son, Ken, is a third-year student.



PRISCILLA and JOHN TRINDER (at right), with their son, Ken (JD '96), and his wife, Larissa.

"We are fortunate that the Law Fund provides additional support for academic programs, faculty salaries, and scholarships," John Trinder said. "Our children directly benefit from the academic atmosphere, the quality of professors, and the student life of the school, all things made possible by the Law Fund."

The Parents' Campaign raised \$20,154 last year.

### 1988

**Fran Shaver** has been named the attorney for the High Point, NC, Police Department.

**J. McLain Wallace** (BA '85) has been named principal in the firm of Battle, Winslow, Scott & Wiley in Rocky Mount, NC.

**Hallett Ward** has established a law office in Beaufort, NC. He was formerly an assistant district attorney.

### 1989

**Bobby Higdon** (BA '85) has been named the lead attorney of the Organized Crime Drug

Enforcement Task Force for the Western District of North Carolina.

### 1990

**Susannah M. Bennett** is the assistant general counsel at Sylvan Learning Systems, Inc., in Columbia, MD.

**Marcy Louza** is currently an administrative judge with the Equal Employment Opportunity Commission in Atlanta, GA. She and her husband are expecting their first child in February 1996.

**John Rhyne** is a staff attorney with the bankruptcy administrator's office for the U.S. Eastern District in Wilson, NC.

**John D. Young Jr.** (BS '82) is an associate with Sullivan & Cromwell. He has finished a three-year posting in the Hong Kong office and will be returning to New York this fall.

### 1991

**Caroline Kelly** has started a three year master's of divinity program at Columbia Theological Seminary.

**Sara Beth Fulford Rhodes** has formed the firm of Stanley & Rhodes in Greenville, NC.

**Jean Rogers** has joined the firm of Mattox, Mallory & Crowson in Statesville, NC.

### 1992

**Paula Steinhilber Beran** (MBA '92) is an associate in the firm of LeClair Ryan in Richmond, VA. Her primary practice is creditors' rights, bankruptcy, and commercial lending.

**Mike Conway** (MBA '92) is a senior associate attorney of Brody & Price in Beverly Hills, CA. He has represented one of The Beastie Boys, Dr. Dre, and is now representing Snoop Doggy Dog.

**David Huffstetler** is manager and counsel in the office of Lawyers Title of North Carolina in Raleigh, NC.

**Kirby H. Smith** is an associate with Steven E. Lacey's Law Office in his hometown of New Bern, NC.

### 1993

**Stephen Ball** has moved to Statesville, NC, and become a

partner in **Kenneth Darty's** practice, which will now be known as The Law Offices of Darty and Ball.

### 1994

**Susan M. Fitzgerald** has been elected assistant vice president of Wachovia Bank of North Carolina in Winston-Salem. She is a personal financial services sales officer in the Consumer Services Group.

**Terrell Thomas** is an associate in the firm of Kirk, Kirk, Gwynn & Howell in Wendell, NC.

**Scott Weltz** is a contract attorney for Womble Carlyle and also a JAG officer with the 30th Infantry Brigade.

### 1995

**Jennifer L. Burlingham** (BA '92) is director of Residence Life for Teikyo Marycrest University in Davenport, Iowa.

**Michelle B. Clifton** has joined the law firm of Bell, Davis & Pitt in Winston-Salem. She will concentrate in corporate and real estate law.

**Stephen Crowell** has joined the firm of Blanco Tackaberry Combs & Matamoros in Winston-Salem.

**Jonathan Jones** (BA '92) is an associate with the law firm of Everett, Warren, Harper and Swindell in Greenville, NC.

### Friends

**James Dorsett**, a member of the Law Board of Visitors, was honored by the North Carolina Bar Association in October. The auditorium at the Association's



## Law Board of Visitors and Alumni Council Fall Meeting

OCTOBER 6-7, 1995

**ABOVE LEFT:** **STEVE NICKLES**, the new Bess and Walter Williams Professor, and **FRED WILLIAMS SR.** ('38, JD '40) of Greensboro, who endowed the chair in honor of his parents.

**ABOVE RIGHT:** **MARK BOYNTON** (JD '96) and **FRANCES KNOX** (JD '91) discuss their presentation on the mentor program, which matches first- and second-year students with practicing attorneys who help them learn more about the real world of practicing law.

**RIGHT:** Fifty members of the board of visitors and alumni council attended the joint meeting of the two groups.



**LEFT TO RIGHT:** Judge **N. CARLTON TILLEY** (BS '66, JD '69), **KAREN MORROW**, and **JOHN F. MORROW** (BBA '62, JD '65). Tilley is a member of the Law Board of Visitors.



**LEFT TO RIGHT:** Justice **I. BEVERLY LAKE JR.** (BS '55, JD '60), **SUSAN LAKE**, and **JACK** and **LANE ROEMER**. Lake and Roemer are members of the Law Board of Visitors.

new Bar Center in Cary was named the James K. Dorsett Jr. Auditorium. A bar member for more than 50 years, he is a partner with Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan in Raleigh.

## Marriages

### 1970s

**Ernest Brown** (JD '75) and Caren Bills. 11/5/94

### 1980s

**Rudy Ogburn** (BA '79, JD '82) and Deborah Fitzgibbons. 8/12/95

**John Heavner** (JD '84) and Virginia Carpenter. 7/4/95

**C. Mark Wiley** (BS '85, JD '88) and B. Jodi Reinhardt.

2/14/95

**Stephen Dellinger** (JD '89) and Suzanne Grant. 6/17/95

**Stephen Jobe** (BA '84, JD '89) and Denise L. Aldrich. 11/11/95

### 1990s

**Camilla Hester** (BA '85, JD '92) and John Rocco. 9/24/94

**Nicholas Valaoras** (BA '89, JD '92) and Katherine Martin. 7/15/95

**Kurt Seeber** (JD '93) and Allisa Pruden. 6/17/95

**F. Henry Ferris IV** (JD '94) and **Sonja E. Mustafa** (JD '95). 8/26/95

**Michelle Fournier** (BA '91, JD '94) and Dennis Ingle. 7/15/95

**Mark Riopel** (JD '94) and Linda Nesbit. 6/24/95

## Births

### 1980s

**Clifford Britt** (BA '82, JD/ MBA '86) and Joanna Britt, Winston-Salem: son, Maxwell Addison. 8/11/95

**Margaret Burnham** (JD '83) and Ashley Burnham, Greensboro, NC: daughter, Madeline Shea. 4/5/95

**H. David Powell** (JD '85) and **Kimberly Powell** (BA '83), Charlotte, NC: daughter, Lindsay Burnette. 5/4/95

**Teresa Murphy Brenner** (JD '87) and Irving Brenner, Charlotte, NC: daughter, Rebecca Gail. 8/14/93

**W. Glenn Viers** (JD '87) and Susan Viers, Atlanta, GA: son, Walter Holden. 8/20/95

**Jimmy Hill** (BA '79, JD '88) and Pam Hill, Asheboro, NC: daughter, Alexandra Nicole. 5-17-95

**Robert Stovash** (JD '88), Orlando, FL: son, Ryan Robert. 1/24/95

**Lee Gavin** (BA '85, JD '89) and **Roberta Wood Gavin** (JD '88), Asheboro, NC: son, John Lewis. 5/16/94

### 1990s

**Mary Hedrick** (BA '87, JD '90) and Michael Hedrick (BS '86, MBA '94), Greensboro, NC: son, Matthew Carter. 10/25/94

**Clifford Parson** (JD '92) and **Marti Parson** (JD '93), Asheville, NC: son, Clifford Paul, III. 6/22/95

## Deaths

**Charles Coleman Horn** (JD '28) March 1, 1995, Shelby, NC

**Frank Utley Fletcher** (JD '32) 7/23/95, Washington, DC

**Samuel Behrends Jr.** ('47, JD '50) 8/21/95, Raleigh, NC

**Crawley Baxter Cash** (JD '50) 9/8/95, Shelby, NC

**Baxter H. Finch** (JD '50) 8/6/95, Salisbury, NC

**Milton Clay Williamson** (BS '50, JD '51) 9/20/95, Pawleys Island, SC

**Jerry Gordan Tart** (BA '55, JD '57), 7/21/95, Greensboro, NC. He was chief judge of the U.S. Bankruptcy Court for the Middle District of North Carolina.

**Albert Post** (BS '62, JD '64), 8/16/95, Reidsville, NC

**Warren Bicket Morgan** (JD '71) 9/28/95, Marshville, NC

**Sara Vermelle Fielding** (JD '87) 7/11/95, Lakeland, FL

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## THE TRIALS of THE TRIAL LAWYER

# Howard Twiggs



**H**OWARD TWIGGS ('54, JD '57) can't remember not knowing Carroll W. Weathers, longtime dean (1950-70) of Wake Forest University School of Law. Sixteen when his own father died, Twiggs was a good friend of Carroll Weathers Jr.

"I grew up at his house," recalls Twiggs, a Raleigh native. "I was their photographer at Christmas, and the dean always made me a member of his household."

The dean was not a dean back then. He was, in the eyes of young Twiggs, a lawyer with a calling who felt he could help his clients in an ethical, moral, and just way. He was a hero.

Twiggs knew that he too wanted to be a lawyer. He knew that Wake Forest was where he was headed, despite the unsolicited acceptances he had received from Duke and Carolina. The only thing Twiggs didn't know as he prepared to claim his place as a freshman in 1950 was that his hero would be named dean of the law school that same year.

Despite his admiration for Weathers, by the time Twiggs had taken his fair share of law school courses on general and trial practice, he learned they differed on at least one point.

"I think Dean Weathers always felt that corporate call-

ing—trusts and wills and administration of estate—was the highest calling of a good lawyer," Twiggs says. "But I was interested in becoming a trial lawyer. There was the appeal of the courtroom and of trying to convince twelve people to hear your side of the cause. It was something I wanted to do, if I could do it."

In order to do it, Twiggs took a job offer fresh out of law school that offered one-third the salary of other offers he received but would enable him to get into trial practice.

Now the senior partner in the Raleigh firm of Twiggs, Abrams, Strickland and Trehy, Twiggs served in the North Carolina House of Representatives from 1967 to 1974. As a legislator, he was instrumental in the removal of all references to race from state laws, the introduction of the first legisla-

tive ethics law, and the establishment of both the presidential primary in North Carolina and the North Carolina Zoological Park. He also played a key role in rewriting laws related to mental health, passage of a major revision of the wrongful death law, extension of the Statute of Repose, and electronic voting in the legislature.

Today, as the president-elect of the Association of Trial Lawyers of America (ATLA), Twiggs spends a lot of time in Washington, D.C., championing the cause of trial lawyers.

Quoting Speaker of the House Newt Gingrich as having a goal "not just to beat the trial lawyers, but to grind them into fine dust and to sprinkle that dust to the four corners of the earth," Twiggs said trial lawyers face a greater chance

than ever of being destroyed by federal legislation. "This tilts the playing field against the rights of injured people who are injured by the negligence and improper conduct of wrongdoers," he says.

Although Twiggs is a Democrat, he said he can't understand how Republicans can pass legislation that protects wrongdoers from accountability, when the Republican philosophy has always been to punish wrongdoers.

"We are facing a mammoth fight to preserve the civil justice system in America," he says, "and the trial lawyers are fighting to preserve these rights."

Contrary to popular opinion, Twiggs points out that the number of litigation cases has not risen in the last six to eight years. He thinks the notion of a "crisis" is not supported by the facts. He also thinks the O.J. Simpson trial has painted a negative picture for the trial practice as well as the practice of criminal law. "Except for the arguments to the jury, it was an absolute disaster," Twiggs says. "It hurt the justice system severely in the eyes of the American people. It was a TV drama, developed into the classic confrontation of lawyers challenging the judge and the judicial system." ■

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## **Presidential disability**

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