

Wake
Forest

Volume 27, Number 2
June 1997

Jurist

The Magazine of Wake Forest University School of Law

WAKE FOREST UNIV.
PROFESSIONAL CENTER

JUL 23 1997

LIBRARY

When a woman is battered

*Center helps spousal abuse victims get
the protection they need.*

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Dean's Column

FOR THE PAST YEAR, I have had the honor of serving as a member of the Professionalism and Civility Subcommittee of the Long Range Planning Committee of the North Carolina Bar Association. "Professionalism" is a subject of the greatest importance. Our law school's mission statement says that we have "a responsibility to provide our students with a foundation of legal knowledge and skill upon which they can build lives of service within the legal profession. We must attempt to instill in every student a respect for the rule of law, a devotion to the ideal of public service, and a commitment to basic professional values: honesty, diligence, competence, intelligence, and civility."

How we inculcate professional values in our students is a matter of constant scrutiny and development.

We begin professional values education even before our students arrive for orientation. In the summer before they enter, we provide our students with a list of books to read concerning great lawyers. Students should have heroes and heroines in the law, professional role models. During orientation, we have had exemplar practitioners speak to the students on their first day at Wake Forest about what it means to be a professional.

This past year we held required monthly sessions for our first-year students throughout the fall and early spring focusing on different aspects of the profession such as pro bono obligations, quality-of-life issues, and substance abuse. We intend to expand on these mandatory first-year sessions next year in cooperation with the North Carolina Bar Association. The first recommendation of the Professionalism and Civility Subcommittee was to expand the teaching of professionalism and civility in all North Carolina law schools, beginning with pilot projects. We have volunteered to be a pilot project.

Of course, we have a required course in Legal Ethics. Issues of professionalism are, however, highlighted in many other upper-level courses and programs, whether the course be Negotiation, Trial Practice, Legal History, or another subject.

Over half of our graduates take one of our two live-client contact clinics before graduation. Each of our clinics has a required two-hour per week classroom component that focuses extensively on professional values. In the original clinic, which is litigation oriented, the students are supervised by two members of our full-time faculty and by



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supervising attorneys in the field. The supervising attorneys are chosen in consultation with the Clinic Committee of the Forsyth County Bar Association. A strong component in choosing the clinical supervisors is the degree to which they will be professionalism role models.

In the litigation area, seven years ago we established the first Inn of Court at a law school in North Carolina. The Chief Justice Joseph Branch Inn of Court meets monthly during the academic year, bringing together judges, lawyers, and students to discuss professionalism issues. Between the masters of the bench of our Inn and the supervising attorneys in our clinics, a great percentage of our students have mentors from the practicing bar while at Wake Forest.

We, however, want to expand mentoring. We are doing so in cooperation with our Law Alumni Council and our chapter of the Law Student Division of the American Bar Association. Moreover, another North Carolina Bar Association committee on which I serve has just issued a report suggesting a model program for all five North Carolina law schools to expand mentoring opportunities.

In one of the featured articles of this issue of the *Jurist*, the Domestic Violence Advocacy Center project is highlighted. This is a wonderful pro bono project led at the law school by Professor Suzanne Reynolds and part of an increasingly organized program to acquaint all our students with the service opportunities available in our local community and to place individual students with particular service agencies.

Finally, the Section of Legal Education of the American Bar Association's Professionalism Committee has recently published a thoughtful report: "Teaching and Learning Professionalism." This committee was chaired by Reese Smith of Florida, a former president of the American Bar Association, and included among its members Professor David Logan of our law faculty and Dean Arthur Gaudio, a former Wake Forest faculty member. Its report is extremely thought provoking. It has been distributed to our entire faculty and will be the subject of further study in the year ahead.

I welcome your thoughts on how we can work together to assist students to better develop the values of our profession. ■

Robert K. Walsh

DEAN

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Jurist

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Wake Forest Jurist is published twice a year in December and June by the Wake Forest University School of Law. All rights reserved. The views expressed herein do not necessarily reflect those of Wake Forest University School of Law.

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One Victim at a Time

by Ellen Dockham

A coalition of students, professors, attorneys, and judges in Forsyth County is doing more than merely lamenting the fact that domestic violence strikes so many women.

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F E A T U R E

Limited Engagements

by Alan R. Palmiter

The limited liability company is revolutionizing the way America does business.

IFC

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Alumni Profile

Departure of the native

*The esteemed Marion Benfield—
School of Law graduate and its
first endowed chair—retires*

WHEN DEAN ROBERT K. WALSH set about the task of filling the law school's first endowed faculty chair in 1990, he sought a homegrown scholar—one with roots in Wake Forest and North Carolina. He found him in Illinois.

The return of that native—Marion W. Benfield Jr.—proved to be a happy one. Not only has he maintained his stellar record of scholarship and professional service in his field of commercial law, he has been a mentor to the younger scholars on the faculty. In doing so, he has helped build the school's academic reputation while helping sustain its special qualities and traditions.

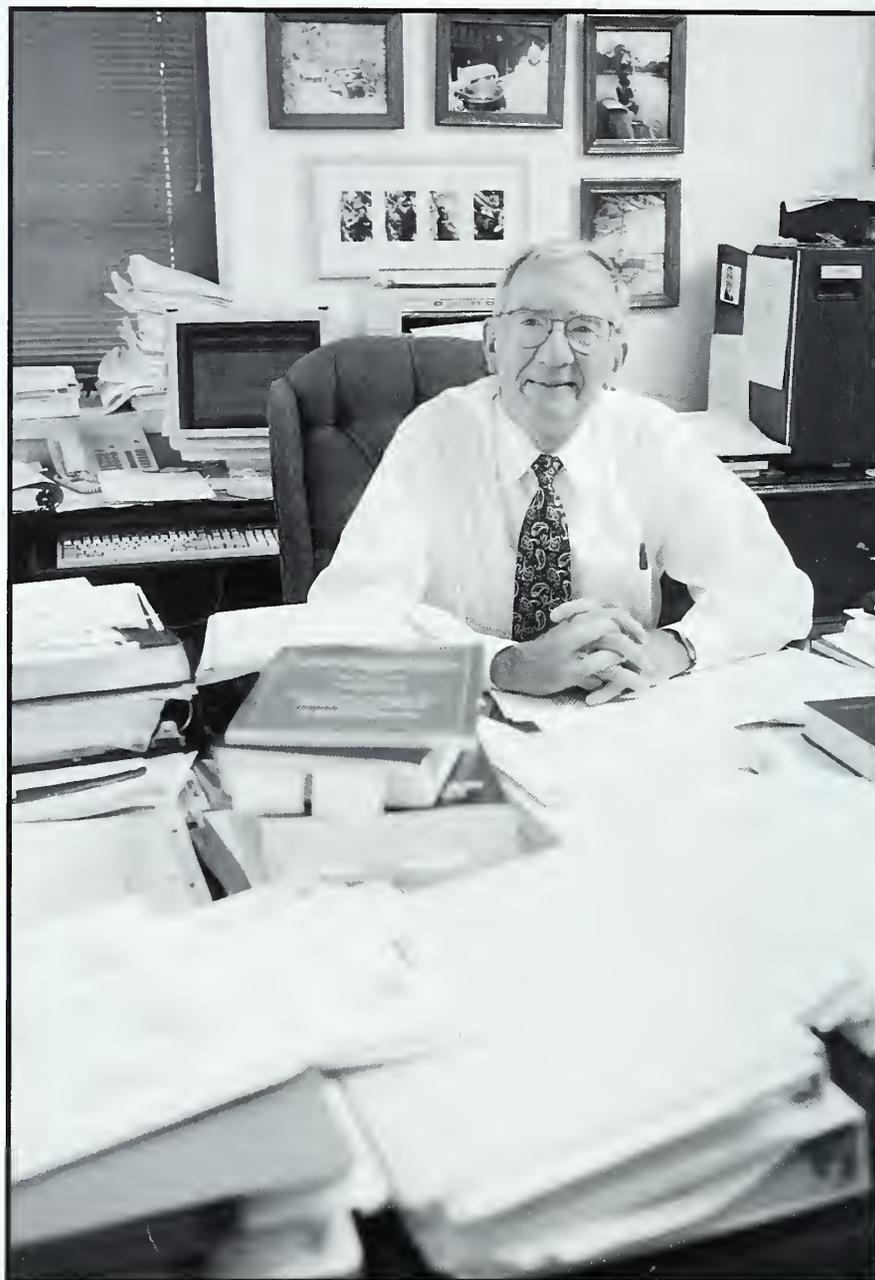
This spring Benfield retired as the University Distinguished Chair in Law. Starting this coming year he will spend the fall at his house in New Braunfels, Texas, doing research and conducting his professional activities, and the spring teaching at Wake Forest.

"No one could have been a better first chair for the school than Marion Benfield," Walsh said. "Not only did his appointment accelerate our rise in academic stature, it signaled our commitment to the best traditions of Wake Forest and its School of Law. He understands the heritage of Wake Forest and its core values, he is an exemplary teacher and scholar, he exhibits unerring judgment and character, and he has been a leader in law reform. As a teacher, scholar, colleague, and person, he is as good as there is."

Raised on a farm south of Hickory, North Carolina, Benfield graduated from UNC-Chapel Hill in 1953. After two years of military service, he enrolled at Wake Forest School of Law in fall 1956, its first year in Winston-Salem.

"When I came here the school was good but not nationally known," he said in a recent interview. "We had seven faculty and an entering class of seventy-five. It was not dissimilar to the character of Wake Forest College at that time."

Graduating first in his class in 1959, Benfield practiced law in Hickory for two years before devoting his career to academe. He taught briefly



MARION BENFIELD: THE RETURN OF THE NATIVE PROVED TO BE A HAPPY ONE.

**'No one could have
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at the University of Georgia and Case Western Reserve University before joining the University of Illinois law faculty in 1966.

Over the next twenty-four years, Benfield occupied a series of increasingly prestigious positions at Illinois—associate professor, professor, Albert E. Jenner Jr. Professor of Law, and associate dean—while maintaining an active schedule of scholarship and service on a host of national commissions charged with reforming and codifying various aspects of commercial law.

Why, after so many years in such a rewarding position, did he accept Walsh's offer? "I was a Wake Forest graduate and a North Carolina native so it was attractive to come home, of course," he said. "But I also wanted to participate in the continued growth of the law school. Ever since I left, the school had been getting stronger; students with stronger academic credentials and more diverse backgrounds were enrolling, and the school had been very fortunate in hiring and retaining outstanding faculty.

"I hoped that my coming to Wake Forest would help convince established law teachers from other leading law schools to come and participate in the continued growth of the law school," he continued. "That, in turn, I thought, would make Wake Forest's young faculty less likely to be enticed away by other schools. I'm gratified that my hopes have materialized in the decision of two distinguished people from other Big Ten universities to join our faculty, Steve Nickles from the University of Minnesota, and Michael Perry from Northwestern University."

While he was practicing in Hickory, Benfield found his future bride, Dalida Quijada, a native of Panama who was visiting an aunt there. Married thirty-four years now, the couple has eight children, twenty grandchildren, and a great-grandchild. Benfield's office is adorned with art objects from exotic locales, including China (where he spent a year as a visiting scholar in 1985-86) and Panama (to which he, Dalida, and the kids trekked three times—an 8,000-mile round trip—by motor vehicle).

Benfield looks forward to spending time at their Texas house located in the hill country midway between San Antonio and Austin. The area's climate and strong Hispanic culture suit them well, and he'll have time to complete the fourth edition of his sales casebook.

But each spring, the native will look forward to returning home once again—to North Carolina and to Wake Forest. ■

PILO auction a success

THE STUDENT-RUN Public Interest Law Organization (PILO) raised \$11,000 at its annual auction during the fall semester. Over the past several years, PILO's auctions have raised thousands of dollars to go toward public interest work.

Long wins moot court competition

LESLIE LONG won the 1996 Stanley Moot Court Competition in November. The presiding judges for the annual competition were Diana Motz, U.S. Court of Appeals, Fourth Circuit (Baltimore); Morris Arnold, U.S. Court of Appeals, Eighth Circuit (Little Rock); and Walter Cox, U.S. Court of Appeals for the Armed Forces (Washington, D.C.).

Anniversary celebration held for moot court

THE WAKE FOREST MOOT COURT held its 25th anniversary celebration in April. Speakers were Professor George K. Walker, Judge Hiram Ward, Professor Charles Rose, Scott Levejoy and Dan Johnson. Dean Ralph Peeples also inducted the 1997-98 board of officers: Mark Atkinson, chief justice; Lisa Fernandez, associate chief justice; and Joseph Newsome, marshal.

Stellar record

AS OF FEBRUARY, the graduating class of 1996 was nearly 93 percent employed.

CLE program has record year

THE WAKE FOREST CONTINUING LEGAL EDUCATION (CLE) program held 52 classes this year, and attendance exceeded that of prior years. Programs included family law, general practice and the annual review.

Sanders speaks to graduates

ALEXANDER SANDERS JR., president of the College of Charleston, was the hooding speaker at this year's commencement. The law school graduated 154 students.

ATLA holds seminar on trial techniques

THE ASSOCIATION OF TRIAL LAWYERS OF AMERICA (ATLA) and the North Carolina Academy of Trial Lawyers presented a seminar on trial techniques at the law school in February.

Morial speaks at BLSA awards ceremony

NEW ORLEANS MAYOR MARC H. MORIAL spoke at the Black Law Student Association's 12th annual scholarship banquet in February. Morial, who was graduated from Georgetown Law School in 1983, served in the Louisiana state senate

before being elected mayor of New Orleans in 1994. Scholarship winners Shanda Galloway, Bonita Harriston and Renee Canody each received \$500. The BLSA awards merit-based scholarships to African-American law students.



MARC H. MORIAL

Continuing **LEGAL EDUCATION**

(910) 759-4550 FAX: (910) 759-1687

Wake Forest University Fall Schedule 1997

17th Annual Review

September 12-13	Live	McKimmon Center	Raleigh
October 2-3	Video	Holiday Inn Woodlawn	Charlotte
October 24-25	Live	Grove Park Inn	Asheville
November 21-22	Live	Benton Conv. Ctr.	Winston-Salem
December 4-5	Video	Tri-County C.C.	Murphy
January 2-3	Video	Worrell Prof. Center	Winston-Salem
January 22-23	Video	McKimmon Center	Raleigh

Equitable Distribution

September 25-26	Live	McKimmon Center	Raleigh
October 16-17	Video	Holiday Inn Select	Winston-Salem
October 30-31	Video	Radisson Prince Charles	Fayetteville
November 6-7	Video	Holiday Inn Woodlawn	Charlotte
December 11-12	Video	Grove Park Inn	Asheville

Criminal Practice

October 10	Live	McKimmon Center	Raleigh
November 14	Video	Grove Park Inn	Asheville
December 5	Video	Holiday Inn Select	Winston-Salem
December 12	Video	Coastal Carolina C.C.	Jacksonville
January 9	Video	Holiday Inn Woodlawn	Charlotte

General Practice

November 13-14	Live	McKimmon Center	Raleigh
January 15-16	Video	Holiday Inn Select	Winston-Salem
January 29-30	Video	Holiday Inn Woodlawn	Charlotte
February 5-6	Video	Grove Park Inn	Asheville
February 12-13	Video	Ramada Plaza Hotel	Greenville

Personnel Law

September 25-26	Live	Loew's L'Enfant Plaza	Washington, DC
October 9-10	Live	Sheraton Chicago Hotel	Chicago, IL
December 11-12	Live	JW Marriott	Atlanta, GA

Faithful scholar

New Distinguished Chair is specialist in morality and religion

MICHAEL JOHN PERRY, an internationally acclaimed scholar in constitutional law, law and morality, and law and religion, has been appointed the Wake Forest Distinguished Chair in Law.

Perry, who received his bachelor's degree from Georgetown University in 1968 and his J.D. from Columbia University in 1973, began his teaching career at The Ohio State University in 1975. In 1982, he joined the faculty at Northwestern University, where, from 1990 to 1997, he held the prestigious Howard J. Trienens Chair in Law. He also has taught as a visiting professor at several other universities in the United States and abroad—including Yale University, Trinity College in Dublin, Ireland, and the University of Tokyo—and has been a scholar-in-residence or an endowed lecturer at twenty-five institutions.

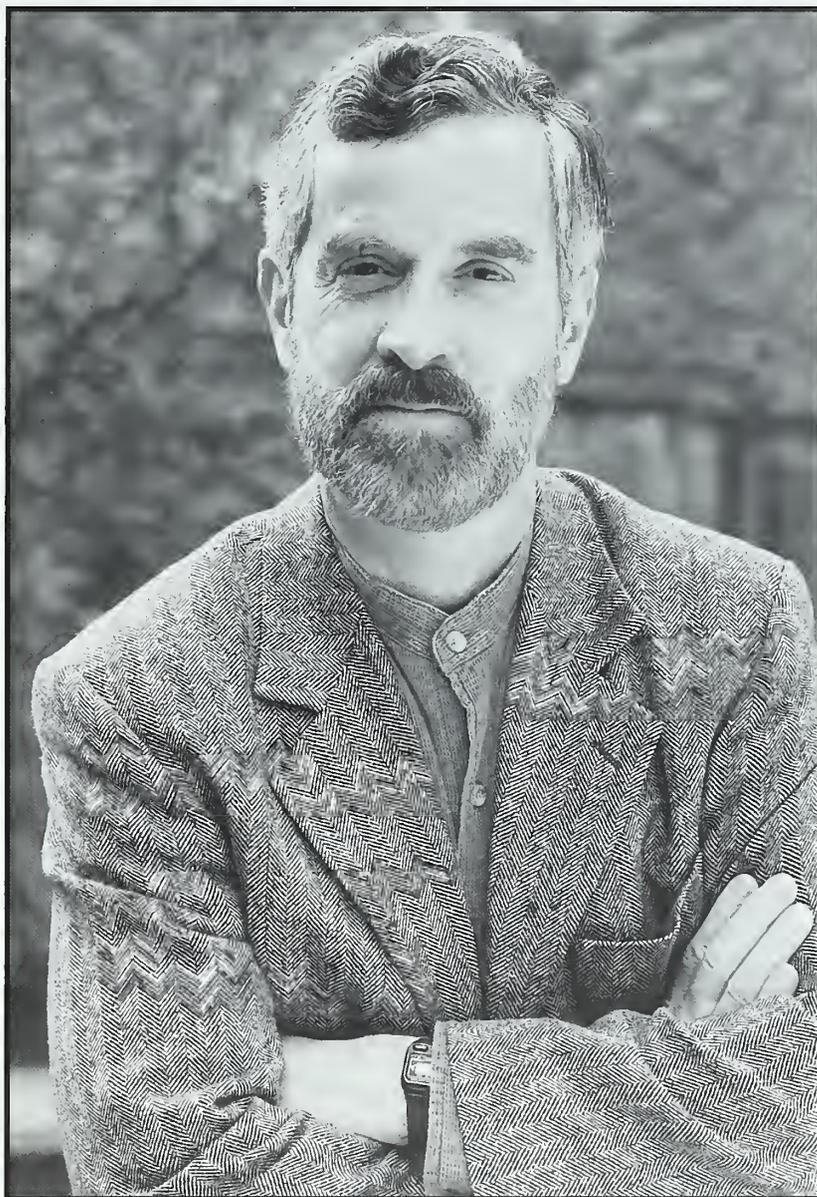
Perry is a prolific author, having written six books and some fifty articles. His books include *The Idea of Human Rights: Four Inquiries* (Oxford, 1998); *Religion in Politics: Constitutional and Moral Perspectives* (Oxford, 1997); *The Constitution in the Courts: Law or Politics?* (Oxford, 1994); *Love and Power: The Role of Religion and Morality in American Politics* (Oxford, 1991); *Morality, Politics, and Law* (Oxford, 1988); and *The Constitution, the Courts, and Human Rights* (Yale, 1982).

Dean Robert Walsh said Perry's accessibility makes him an invaluable addition to the faculty. "The dean and faculty at Northwestern emphasized to us how accessible to colleagues and students Michael remained," Walsh said, "while at the same time becoming one of the most nationally and internationally acclaimed law faculty members in his field."

Walsh added that Perry's appointment is an expression of the law school's and the University's strong commitment to continued excellence in teaching, scholarship and service.

Bill J. Leonard, dean of the Wake Forest Divinity School, described Perry's appointment as a "god-send."

"I was delighted that he was chosen for this position," Leonard said. "He is widely known in



MICHAEL JOHN PERRY: 'HE VERY MUCH FITS WHAT WE WANT TO BE ABOUT.'

One of nation's most acclaimed law faculty members in his field comes to Wake Forest.

the area of law and religion, and I hope we can use his expertise for some of our interdisciplinary teaching. He very much fits what we hope to be about."

Walsh said Perry most likely will teach a course in Constitutional law, as well as a seminar on that subject, when he begins teaching at the law school in the fall. He'll also teach a course that focuses on philosophy and law. ■

Faculty Notes

Professor Michael Curtis' article entitled "The 1837 Killing of Elijah Lovejoy by An Anti-Abolition Mob: Free Speech, Mobs, Republican Government and the Privileges of American Citizens," was recently published by the UCLA Law Review. Professor Curtis also was the recipient of the SBA's 1997 Excellence in Teaching Award.

Professor Sue Grebeldinger's article on pre-trial discovery in intentional employment discrimination cases recently appeared in the Denver University Law Review. A second piece, "Instructing the Jury in a Case of Circumstantial Individual Disparate Treatment," was published in Volume 12 of *The Labor Lawyer*.

Professor Mark Hall has completed the fifth edition of a casebook, *Health Care Law and Ethics*.

Professor David Logan spoke on "Undercover Journalism" at the Southern Newspapers Publishers Association meeting in Fort Worth, Texas, in May. Professor Logan also appeared on ABC's "Nightline" as a commentator on the Food Lion litigation with ABC. Professor Logan also appeared on the NBC Nightly News and was interviewed on National Public Radio about the Food Lion case. In addition, he was interviewed in *Time*, *USA Today* and on NPR regarding tobacco litigation.

Professor Kate Mewhinney was selected to be a Fellow of the National Academy of Elder Law Attorneys and was selected to serve a second term on the Academy's Board of Directors.

Professor Joel Newman spoke on "Loose Lips, Pink Slips and Other Ethical Dilemmas" at the N.C. Bar Foundation's CLE Program on Professional Responsibility in March. He also served as an expert reviewer in CEELI (Central and

East European Law Initiative) for the Republic of Lithuania's draft personal income tax law.

Professor Alan Palmiter presented a paper entitled "Obligaciones Fiduciarias en los Estados Unidos," at the Primer Congreso Iberoamericano de Derecho Comercial in Bogota, Colombia.

Professor Suzanne Reynolds wrote a chapter on the *Uniform Premarital Agreement Act for Drafting Prenuptial Agreements*, edited by Skoloff and Brown, and published by Aspen Law & Business Publishing Company. Reynolds also spoke at the annual meeting of the Family Law Section of the North Carolina Bar Association on the history of alimony and how it relates to North Carolina's new alimony statute.

Professor Tom Roberts co-authored an article on land use litigation and the Fifth and Fourteenth Amendments in the *Urban Lawyer*. He also is

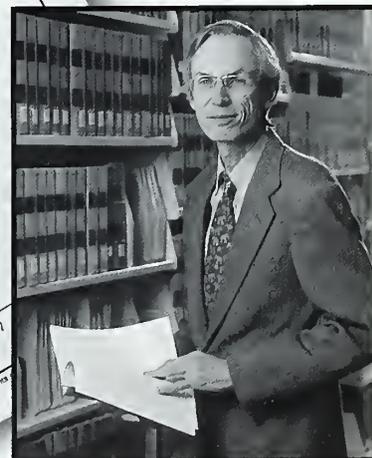
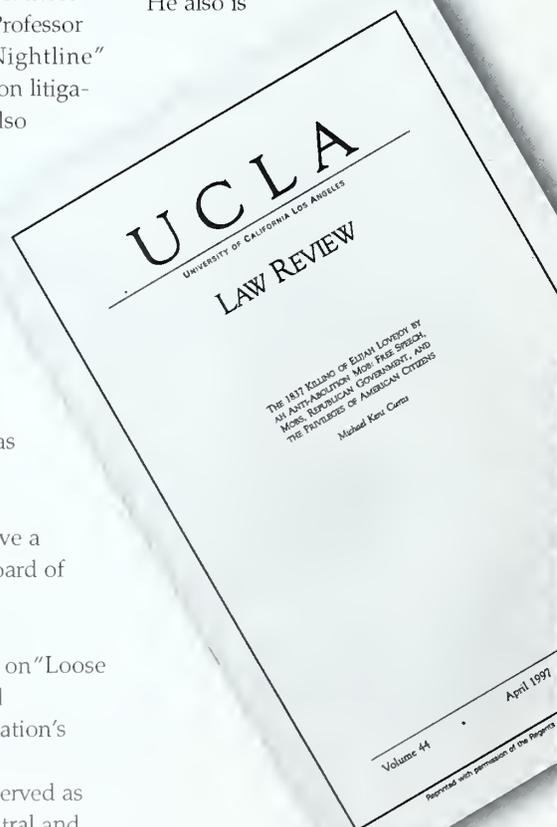
serving as Communications Director of the ABA's Section of State and Local Government Law.

Professor David Shores has published an article entitled "Deferential Review of Tax Court Decisions: *Dobson* Revisited," in the *Tax Lawyer*, and gave a presentation on this topic to the Tax Court Judicial Conference, held in Williamsburg, Virginia this spring. He also served as an expert reviewer for CEELI (Central and East European Law Initiative) for the Republic of Lithuania's draft corporate income tax law.

Professor Tom Steele's article, "Violence in the Library: Managing Legal Liability," recently appeared in Volume 11 of *Library Administration and Management*.

Professor Margaret Taylor's article on detention under the 1996 Immigration Act was published in *Interpreter Releases*. She also spoke on "Promoting Legal Representation for Detained Aliens" at the Immigration Law Symposium sponsored by the University of Connecticut Law Review in April.

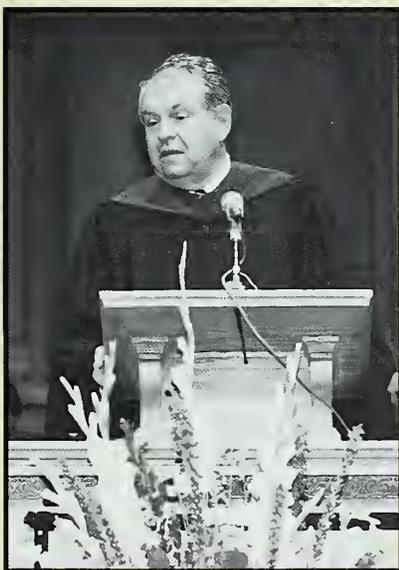
Professor George Walker is a co-author of volume 14 of *Moore's Federal Practice*, published earlier this year by Matthew Bender and Company. He also is serving as the Reporter for the Law of the Sea Committee of the International Law Association (American Branch). ■



MICHAEL CURTIS

Briefs

School of Law



Top: LAW STUDENTS LINE UP FOR HOODING CEREMONY MAY 18.
Above: PRESIDENT ALEXANDER SANDERS, JR. OF THE COLLEGE OF CHARLESTON, ADDRESSES THE GRADUATES AT THE HOODING CEREMONY.



JUDGE **William Osteen**, LEFT, WITH CHIEF JUSTICE OF THE MOOT COURT BOARD **Jim Welsh**, CENTER, AND FORMER CHIEF JUSTICE OF THE MOOT COURT BOARD **Bruce Thompson** AT THE BOARD'S 25TH ANNIVERSARY GATHERING APRIL 17.



Alan Palmiter, AT PODIUM, MODERATES THE ANNUAL LAW REVIEW BUSINESS SYMPOSIUM APRIL 4.



PARTICIPANTS DISCUSS "THE REVOLUTION OF THE LIMITED LIABILITY ENTITY" AT THE SYMPOSIUM. (See story page 13.)



**ONE
VICTIM**

**AT A
TIME**

THAT'S THE APPROACH THE
DOMESTIC VIOLENCE
ADVOCACY CENTER IS
TAKING TOWARD TACKLING
SPOUSAL ABUSE IN
FORSYTH COUNTY.

BY ELLEN DOCKHAM

The first time he hits her,

he is horrified. He asks his bruised and battered partner to forgive him, and she does. She believes him when he says he'll never do it again, and he buys her roses and a new dress to prove it. She doesn't see it coming the second time around. This time, it's worse and maybe she'll leave, but a quick dose of reality — no money, no place to stay, no one to care for the children — forces her back.

Seven times, on average, it will
take her to leave and never return.

This isn't the story of one particular woman. It could be the story of every woman who is a victim of domestic violence. Their lives and their very bodies torn apart, their children in danger, their ties to their family and friends tenuous at best, some of these women finally leave their

batterers after a cycle that defies reason to those outside it. It is a story that has gripped Wake Forest law and undergraduate students, professors and, in Forsyth County at large, more than 100 attorneys and judges. This coalition has done more than lament the fact that violence strikes so many women; they're working to ease this vexing problem one victim at a time.

T

he Domestic Violence Advocacy Center (DVAC), the brainchild of Professor Suzanne Reynolds; Kay House, director of The Legal Aid Society of Northwest North Carolina; and law school alumnus Judge William B. Reingold (JD '83), provides free legal assistance from students and attorneys to help victims prepare to go to court and get the protection they need from their batterers. A grant from the Kate B. Reynolds Charitable Trust pays for Legal Aid's expenses in the project. DVAC, which has helped more than 260 families in its one-and-a-half year existence, is Forsyth County's answer to domestic violence.

"This type of program is the only answer I can see," said CJ Walters, director of victim issues in the citizens' rights division of the North Carolina Attorney General's Office. "The fact that it has made a difference so quickly says something about the community and about the law school." Walters said DVAC is unique in North Carolina — a different program is getting under way in Charlotte but nothing exists in the rest of the state— and is also unusual on the national level. Legal representation programs for domestic violence victims are a hot topic nationally, she said, as state and federal officials and private law firms look into similar ways to encourage lawyers to do pro bono work for victims. The work by Wake Forest, the Legal Aid Society and the Forsyth County Bar Association is ahead of the game.

The level of interest in DVAC at Wake Forest is an example of the School of Law's interest in family law, said Ralph Peeples, associate dean. The field is an important part of the curriculum and a popular one with students. "Family law is

one of those areas that members of the public assume all lawyers know something about," he said. "But it's difficult specializing in family law. You're dealing with clients who almost inevitably have lots of emotion attached to the reason why they're coming to see you. Family law issues matter a lot to people."

Besides the fact that family law is covered on the state bar, many students elect to take a course in the subject because it reminds them of why they came to law school in the first place. "A lot of students are looking for tangible evidence of how lawyers can serve the public and do good," Peeples said. "This doesn't get said a lot, but a surprisingly high percentage of law students have strong altruistic beliefs. Instead of us saying 'hold your breath for three years and then you can do some good,' this gives students the opportunity to do some good right now."

The study of family law is more than an academic exercise; it's a crucial component of a civil society, said Reynolds, who has taught the subject at Wake Forest since 1986. "We ought to be judged as a society by how good our family law is," she said.

But no matter how well lawyers and legislators and judges deal with family law, it doesn't mean a thing to a woman — 98 percent of batterers are men — who has no money to buy into the system, and that's why Reynolds and others felt a need to intervene. Besides the obvious physical and emotional problems a victim faces, there's a practical legal issue that causes problems for women who don't have the \$500-\$2,500 typically needed to pay an attorney's retainer for a domestic violence case. It's called Chapter 50B, part of the General Statutes that gives judges



Paralegal Vernal Gaston, standing; DVAC executive director Kay House, center; and law student Nancy Prager, who graduated this spring, have been front-line troops in the legal defense of spousal abuse victims.

the authority to enter temporary protective orders against an abuser.

In theory, Reynolds said, all the woman has to do to get Chapter 50B protection is fill out the proper paperwork at the courthouse requesting the judge to issue a protective order against the man. The judge can issue the order *ex parte*, and it lasts for 10 days, at which time a hearing is held with both parties present to determine if the order should be made permanent. In practice, what happens is that the batterer frequently shows up to the 10-day hearing with a lawyer. The woman, already intimidated by the batterer and appearing at the hearing without legal representation, may flee before the hearing even starts. Or, if she sticks it out, she may not be able to present her case as well as the opposing attorney can present his. Also, if the woman is unable to persuade the judge to give her temporary custody of her children at the 10-day hearing, the man may find a way to get them, such as picking them up early from school. If he has the children, she is more likely to return to him, fearing that he will hurt them or will be unable to care for them properly. DVAC's goal is to help women prepare for the hearing and provide them with a lawyer who knows exactly what information the judge needs to make a decision.

The "uneven playing field" was what spurred Judge Reingold to help get DVAC started. "I was frequently seeing women appear before me who were physically and emotionally beaten. She was standing there by herself, and five feet away was the guy who battered her and his lawyer," he said. "It was a real mismatch. What I wanted to do was level the playing field."

Reingold recruited more than 100 lawyers to volunteer to help these women. Now, he said, the women come to his courtroom with a law student and a licensed attorney at their side. "It allows the woman to come into court and be able to present her case in the manner it should be presented," he said. "We've been able to help a lot of people who were powerless."

The volunteers have, in fact, made a difference. House, director of Legal Aid

where DVAC is housed, said 51 percent of women who get as far as calling for an appointment are still separated from the abuser after the 10-day hearing. Before the program started, fewer than 40 percent even made it to the hearing.

Numbers don't show the long-term impact of a program like this, Reynolds said, because even a woman who ends up going back to the man has been helped. "Just having someone on your side helps immeasurably. Knowing someone believes in you enough to volunteer their time to help you has even more of an impact than if you could pay a lawyer," she said. "It's frustrating when the women go back to the men, but the representation is not a failure. It helps them get out of the cycle eventually. If we get one person out of it, then we've gotten several generations out of it because the children in these situations often grow up to repeat them."

The key to the program and the element that makes it unique is the working relationship between students and attorneys, House said. More than 150 Wake Forest students, from the law school and undergraduate Women's Studies department, do the legwork that makes the program successful. They, along with the lawyers, attend a daylong training session that includes information on how to prepare for the 10-day hearing, client interviewing techniques and the psychology of battered women. The undergraduate students call the volunteer lawyers to sign them up to be available on a particular day for either preliminary orders or for hearings. The law students—second-semester second-year or third-year students who can practice with the supervision of a licensed attorney under student practice rules—interview the client to gather the appropriate information for her case. The student enters the information onto a computerized form developed by DVAC and sends the completed form to the lawyer on call. When the paperwork is ready, the student and the lawyer go with the client to the courthouse to get the *ex parte* order. Another student and lawyer will then handle the 10-day hearing. Legal Aid staff provide any

'If we get one
person out of it,
then we've gotten
several genera-
tions out of it.'

needed follow-up, such as custody hearings and enforcing the order if the batterer violates it.

Having the students do the legwork makes attorneys more willing to volunteer, House said. "It's hard to get lawyers to do domestic violence cases," she said. "They're nasty and you have to stop and do them right now. People die over whether or not they get custody. It's emotional, and it drags on. We needed a way to get the case scraped off the volunteer once the volunteer had done what they agreed to do."

The other benefit of the student involvement is the level of enthusiasm they bring to the cases, Reingold said. "The students care, and they do their homework because they're fighting for a cause. The licensed attorneys will give their best, but they have 100-200 other cases they're working on. This is the students' only case, and they want to do well."

Nancy Prager, a third-year law student who helped set up the framework for student involvement, said the program serves two purposes: "It provides desperately needed services to victims of domestic violence, and it gives students the opportunity to get into a true court proceeding where they're not doing a classroom project. The court treats them as an attorney for the purposes of this project."

Deborah Sheedy, a second-year law student who volunteers at DVAC and worked for the center last summer, said the program helps students "stay in touch." "Law school becomes theoretical, so you have to find things that remind you why you went to law school. Most people don't go to law school to read case books 24 hours a day, seven days a week. This project is incredibly worthwhile. It's a great way to validate the legal profession."

Joan Brodish Binkley ('87, JD '91), a law school and undergraduate alumna who is now an associate attorney with White and Crumpler in Winston-Salem and a DVAC volunteer, said the investment of time by attorneys and students is well worth it. "It's a great way for an attorney to make a difference in a needy person's life," she said. "And getting students involved in any aspect of the real practice of law is helpful,

because when I came out of law school, I felt like I had the book knowledge but not the practical knowledge. This gives students valuable courtroom experience with real people in real situations, and it gives them a chance to deal with judges."

Learning to deal with the judge is crucial to family law because of the dichotomy that exists between theory and practice, said Professor Buddy Herring, who teaches family law at the law school. Because family law matters are tried in a plethora of district courts, judges have tremendous latitude in family law cases, he said. Equitable distribution law says, for example, that property must be divided equally. "What does that mean? It means whatever the judge says it means on that day. There is a real need for students to realize that there's a theory, but on a day-to-day basis, it may not work out that way."

Herring cited a judge he knew who refused to award joint custody, saying that if the parents could not agree how to handle the custody of their child, they would never get along as joint custodial parents. He said the parents would have to work out an agreement without his help if they wanted joint custody. An attorney bringing a case before that judge needs to know that, he said. To help students get a feel for the real workings of the courtroom, Herring has developed a Westlaw website that puts his family law students in direct contact with family law practitioners around the state. Students post comments and questions about certain topics or specific cases, and the attorneys respond with "real world" answers. The attorneys point out the differences in the way cases are determined in different parts of North Carolina.

Talking to "real people" is necessary to figure out the legal process, Reynolds said. "Students need to understand how the principles they learn in the classroom play out in the real world. The domestic violence program is a good way to help family law issues come alive."

Ellen Dockham is a freelance writer living in Kernersville, North Carolina.



Judge William B. Reingold and School of Law faculty member Suzanne Reynolds want to 'level the playing field' for battered women.

l i m i t e d

E N G A G E M E N T S



NO ONE CARRIES WEAPONS

AND DISCUSSIONS ARE CIVIL, BUT AMERICAN BUSINESS IS UNDERGOING
A REVOLUTION IN THE WAY IT ORGANIZES ITSELF.

This spring the *Wake Forest Law Review* hosted its annual Business Law Symposium at the Graylyn International Conference Center. The topic was "The Revolution of the Limited Liability Entity." Normally, the word "revolution" is not part of the lexicon of business law discussions, and the corporate lawyers, law students, and law academics who attended the *Law Review's* conference hardly looked the part of revolutionaries. All wore suits, none carried weapons, discussions were civil.

Yet there has been a revolution over the last several years in the way business in the United States organizes itself. Just ten years ago, the world of American business organizations had three compartments. There were *corporations* for big businesses, with public shareholders who enjoyed immunity from personal liability if the corporation failed to meet its obligations (so-called "limited liability") and executives who ran the corporation mostly at their pleasure. There were *partnerships* for small businesses, with partners who both managed the business and personally

assumed liability for business obligations. And there was a limited handful of hybrid forms (mostly *closely held corporations*) that combined features of both the corporation and the partnership, earning their nickname of "incorporated partnerships."

In this quaint and knowable world, big corporations whose shares are traded on public stock markets suffered a business-level income tax. Why there is a corporate income tax, nobody has been able to explain well, but it has been so since the federal income tax came into existence. Small-business partnerships whose ownership interests are not readily marketable were excluded from the business-level tax. Why this is so can be traced to the populist aura that surrounds the small business and early legal machinations in the creation of a uniform partnership law adopted by nearly all the states. The hybrid "incorporated partnership" forms, such as Subchapter S corporations and limited partnerships, had to dance through some hoops that limited their governance structure so as to avoid the business-level tax.

BY ALAN R. PALMITER



This world had few surprises for accountants, corporate lawyers and policy makers who concerned themselves with business organizations — the building blocks of our modern private economy. But ten years ago there were clouds of change forming on the horizon, revolutionary ideas rolling in from Wyoming and the law academy. Of all places!

THE GENESIS OF THE LIMITED LIABILITY COMPANY

The most dramatic change in the landscape of U.S. business entities has been the “limited liability company.” (Look carefully and you will find “LLC” replacing “Inc.” and “Corp.” at the end of business names. In fact, in some states LLC formations now surpass corporate formations.) The LLC change hit the United States business law community like a swirling hurricane, raising startling possibilities and tumbling long-held assumptions, in the process spinning off a tongue-tying bevy of new business forms: limited liability *partnerships*, limited liability *limited partnerships*, limited *partnership associations*, *professional* limited liability companies, to name a few. (A reflection of the new corporate linguistic confusion has been the appearance in the popular press and among some well-meaning corporate dabblers of “limited liability corporations,” an entity which has never existed and yet has always existed.)

The “limited liability *company*,” like so many inventions, was born of necessity. In 1977, an oil and gas exploration company in Denver (Hamilton Brothers Oil) made plans to drill for oil in Wyoming but lacked an investment vehicle that combined two essential attributes: (1) limited liability for a venture participants who would include *active, foreign investors* and (2) flow-through tax treatment to avoid the venture itself being taxed. The problem was that no entity in the United States offered the right combination of features. An “S corporation” (a corporation that the IRS recognizes as

INVENTIONS, WAS BORN OF NECESSITY—IN WYOMING, IN 1977, FOR OIL AND GAS EXPLORATION.

a flow-through entity provided it limits the number and types of investors) could not include foreign investors, and a “limited partnership” (a partnership with limited partners whose participation is essentially limited to passive investment) could not include active investors without triggering full liability. The challenge was to construct a business form that the IRS would consider a partnership, but which assured limited liability for its active investors.

Hamilton Brothers had some experience with oil and gas exploration projects organized as Panamanian “sociedades de responsabilidad limitada” (translated literally as “limited liability companies”) and, through its lawyers, approached the Wyoming legislature with a proposal to enact a legislation authorizing limited liability companies in Wyoming. The proposal called for a new statute that would permit the creation of a business form with the organizational attributes of a partnership, but with limited liability for all investors. The hope was that the IRS would accept the venture characterization as a “partnership,” and state law (thanks to the graciousness of the Wyoming legislators) would ensure limited liability for all participants. The Wyoming legislature, more than happy to attract a new oil and gas venture to the state, passed the proposal without fanfare or debate. In the end, the American limited liability company came into existence as the result of essentially “private” legislation written by corporate lawyers intent on solving a

client’s particular problem. The problem: the accommodation of international investors.

The Wyoming LLC was not an immediate success. In fact, it took Hamilton Brothers three and a half years to obtain a private ruling from the IRS that the newly-created Wyoming entity qualified as a partnership for purposes of flow-through tax. Even after this ruling, the LLC form remained shrouded by uncertainty—an unacceptable state of affairs for staid business lawyers and their tax-averse clients. In 1982 the IRS drifted away from its private ruling when the agency proposed new, stricter regulations for characterizing business organizations for tax purposes, regulations at odds with the intentment of the Wyoming LLC statute. Although the Hamilton Brothers LLC was safe with its private IRS ruling, only two other businesses bothered to use the new LLC law. But then in 1988 the IRS reversed itself, ending the hanging uncertainty, and ruled that state LLC statutes following the Wyoming formula would be classified as partnerships. This ruling solidified the tax side of the LLC equation and opened the floodgates for the adoption of state LLC statutes. Within less than eight years, every other state offered the choice of an LLC business form.

THE PEDIGREE OF THE AMERICAN LLC

What is the ancestry of the LLC in the United States? A host of putative predecessors have been offered as the proud parents. Some say the LLC was inspired by the “sociedad de responsabilidad limitada” of the Napoleonic civil law which made its way to Latin America and flourished for closely-held businesses. Others view the LLC as the brainchild of the unincorporated “joint stock company,” a private contract-based business form, which substituted in eighteenth-century England for royally-charted corporations. Yet some see the LLC as a gestation of the unincorporated “joint stock company” and the “partnership association” which

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came and went in the United States during the nineteenth century. Or perhaps it was parented by the German closely-held company, the *Gesellschaft mit beschränkter Haftung* ("GmbH"). The drafter of the Wyoming LLC statute, for one, seemed to have borrowed eclectically from the state's corporate, partnership and limited partnership codes.

Whatever its pedigree, the American LLC was and remains uniquely a product of a new thinking about corporate law in the United States, in which *private ordering* displaces government license. In fact, all of the putative parents of the American LLC share the characteristic of being contract-based, the rights and duties of the participants arising conceptually and actually from their agreement. A renaissance in thinking about the corporation, really a rediscovery of much earlier thinking about business forms, began in the United States among legal academics in the seventies. Borrowing from insights of Nobel-laureate economists, the law academics began talking about the U.S. corporation as a "nexus of contracts"—a set of voluntary associations—in which persons with specialized interests (to manage, to invest, to work, to lend, to supply, to purchase) join together to maximize their mutual advantage under a set of expectations and legal rights. As corporate codes were parsed and analyzed, some academics came to the view that the government's involvement in the corporation was virtually "trivial," in the sense that the corporate rules supplied by state law seem to be what the participants would have agreed to anyway. Those few rules that seemed to be anti-contractual were condemned.

In this era of enlightenment about the business organization, the corporation is no longer conceptually a product of a government regulatory charter, but of a private contract. U.S. legal scholars have explored with a mixture of surprise and awe the essentially enabling character of American business organization law. Some have analyzed the surprising way

in which local bar groups (with the help of compliant state legislators) supply the essential "law reform" mechanism by which new corporate rules are created and implemented. Others have celebrated the competition among states (really bar groups) to offer the corporate rules that best accommodated and balanced the shifting interests of investors and business managers. The propagation of rules on new financial instruments, merger procedures, and shareholder access to corporate information provide a models of this competition among so-called "purveyors of business forms."

THE PROPAGATION AND
MUTATION OF THE LLC

It was in this fecund corporate law environment that the LLC took root. After the 1988 IRS ruling that a Wyoming-style LLC could avoid entity taxation, energetic lawyers began structuring new LLCs, drafting a dazzling variety of intricate provisions on management by "members" (the name given LLC investors), rights on withdrawal, duties to investors with non-majority positions, and other matters that had bedeviled corporate lawyers stuck with the unwieldy corporate form. Internal flexibility was the watchword. And if a particular state lacked an LLC statute or imposed too many constraints, lawyers would organize LLCs in neighboring states. Soon states (or their bar associations, to be more precise) were tripping over each other to pass LLC

statutes. The "latest and best LLC statute" became the rallying cry.

The same energetic lawyers, their imagination fueled by a handful of spirited law academics, began to see additional possibilities. If LLCs can combine tax flow-through and limited liability, why can't other entities? In particular, why can't old-fashioned partnerships be restructured to offer limited liability? It was a novel question that fell on receptive ears. Accountants in large accounting firms complained that the partnership form saddled them with liability for professional malpractice of partners, some in other offices whom they had never met. States, beginning with Texas in 1991, responded with what to some seemed an oxymoron: the "limited liability partnership" or colloquially the "LLP." It is a partnership with all the assumptions of co-equality and ready modification of internal structures by partner agreement, combined with an immunity from vicarious liability. Today many large law firms have adopted the LLP form; the "Big Six" accounting firms are now organized as Delaware LLPs. (Interestingly, a large number of law firms have not made the switch, apparently on the ground that clients might be reluctant to put their trust in a firm in which partners have absolved themselves of responsibility for the misdeeds of co-partners.)

The rise of LLPs illustrates the new legal imagination—the heart of the revolution in business organizations. It was as though business lawyers in America had discovered that business organizations share nearly identical DNA, and to produce useful variation was only a question of genetic manipulation. Some LLP statutes call for full limited liability for partners. Others provide for limited liability, but not when a partner had supervised a liability-creating misdeed or was otherwise aware of the mischief. Some LLP statutes create limited liability only for contractual claims, when the firm is sued for breaching a promise. Other statutes, curiously, create limited liability only for

tort claims, when the firm is sued for professional or other misconduct. Which is better? Eventually, one can hope, things will sort them out as the different state experiments are tested by litigants, public interest groups, and the market in which states compete for LLP formations.

Even the IRS has been caught up in this idea that investors and managers of business should be able to structure their relationship without being forced into contortions to fit their relationship into the IRS's view of what constitutes a "small business." Effective January 1, 1997, the IRS ended decades of adherence to the "old testament" rules on business classification and adopted a "new testament" in which small businesses can *choose* their tax status. In its revolutionary "check the box" regulations, the IRS now permits businesses that are not formally incorporated as "corporations" and whose ownership interests are not publicly traded to elect whether to be treated as a corporation or as a partnership. That is, nonpublic, non-corporate American businesses can choose their internal structures without significant concern about *federal* tax implications! (Some state tax regimes, apparently concerned more about tax revenues than business flexibility, continue to adhere the old classification rules in which hybrid business forms are taxed as corporations.)

PROCESS OF LAW REFORM

Interestingly, the Wake Forest Business Law Symposium this spring offered a prominent example of where the new conceptions of "business organization" have come from and a glimpse into where they are going. The symposium brought together a panel of leading law academics and bar leaders, before an audience of business lawyers and law students, to discuss limited liability entities. The panelists presented papers published in the *Law Review's* symposium issue, and debated an interesting list of open questions:

- Should corporate doctrine that allows creditors to circumvent limited liability when insiders abuse corporate limited liability be transported to LLCs and LLPs? (Robert B. Thompson, George Alexander Madill Professor of Law, Washington University, St. Louis, Missouri.)
- Should there be federal bankruptcy rules for partnerships that retain limited liability, given the usual adequacy of individual partner resources? (Larry E. Ribstein, GMU Foundation Professor of Law, George Mason University, Arlington, Virginia.)
- Should entity-level taxation be limited to businesses with publicly-traded equity shares, regardless of the entity's limited liability attributes? (Richard A. Booth, Professor of Law, University of Maryland, Baltimore.)
- Should the hodge-podge of acronyms spawned by the limited liability revolution — LLCs, LLPs, LLLPs (limited liability limited partnerships), LPAs (limited partnership associations), PCs (professional corporations), C corporations and S corporations — be rationalized in a single "limited liability entity" structure in which all entities abide by common provisions, with optional specialized provisions for different needs? (Dale A. Oesterle, Monfort Professor of Commercial Law, University of Colorado, Boulder.)
- How have the burgeoning new forms been used by law practitioners — the experience in Pennsylvania and predictions for the future of a "hub and spoke" approach in which common provisions (the hub) are supplemented by specialized provisions (the spokes)? (William H. Clark, Jr., shareholder in Pittsburgh Office of Klett, Liever, Rooner & Schorling, Pennsylvania.)
- How has the process of law reform functioned in states adopting new LLC statutes and specialized business law courts — the experience in North Carolina, historically the most progressive state in the United States in the adoption of rules for closely-held

corporations? (R. Bruce Thompson II, Assistant Attorney General, North Carolina Department of Justice; John L. Garrou, Partner, Womble, Carlyle, Sandridge & Rice PLLC, Winston-Salem).

- Should states recognize "limited liability entities" created under the laws of other states or as chosen by the parties, such as when an LLC formed in North Carolina chooses to be governed by the LLC rules of Delaware? (Jennifer Johnson, Professor of Law, Northwestern School of Law, Lewis & Clark College, Portland, Oregon.)

The symposium questions are alive and well. They will be played out as those who attended the symposium, particularly the Wake Forest law students, continue the process of law reform. It is a decentralized process of law reform in which innovations by state bar groups and drafting committees lead to new business organization solutions. It happens as law students graduate to judicial clerkships and bring new ideas about business organizations to the process of judging and judicial law-making. It happens when business lawyers draft novel organizational structures in the constitutive documents for new limited liability entities.

The revolution in limited liability entities, it turns out, is not a spasmodic or cataclysmic event, but rather the beginning of a new process in which the law of business organizations moves definitively and consciously away from a theory of government chartering to one of private ordering.

Professor Alan R. Palmiter of the Wake Forest School of Law faculty is a specialist in business and corporate law.



1936

Fred B. Helms of Charlotte received the Gordon Berg Award from the United Way of Central Carolinas and the Foundation For The Carolinas in March. The award recognizes local citizens who have made a difference in the community.

1936

S. Raymond Pridgen of Mullins, SC, has retired after practicing law for 55 years, including 35 years as city attorney and 2 years as city judge.

1954

Dewey W. Wells (BS '52) of Collettsville, NC, has been appointed by NC Governor Hunt to chair the NC Natural Heritage Trust. The trust purchases land for wildlife areas and parks using money raised from the sale of personalized license tags.

1959

Carroll H. Matthews (BBA '54) has retired after practicing law for 10 years in Winston-Salem and 25 years in Raleigh.

1961

W. Richard Gentry of Downingtown, PA, has been appointed to the Pennsylvania Judicial Evaluation Commission Investigative Division. He will conduct the preliminary investigation of candidates seeking election to the state's appellate courts.

1964

Robert V. Suggs (BS '59) has formed a law partnership with former NC Governor James Holshouser—Holshouser and Suggs, L.L.P., in Greensboro, NC. He is a member of the Campbell University Presidential Board of Advisors and the Board of Directors of the National Kidney Foundation of NC.

1965

E. Raymond Alexander Jr. (BA '60) was sworn in as a district court judge in Guilford County (NC) in Dec. A former district attorney for Guilford County, he left private practice to join the bench.

1966

William K. Davis, a partner with Bell, Davis & Pitt in Winston-Salem, was featured in a cover story in the April issue of *Business Life*, a magazine covering the Piedmont Triad.

1968

Charles R. Young of Hickory, NC, has been named to the Deacon Club Board of Directors.

1974

Walter Thompson Comerford Jr. (BA '72) is a partner in a new firm, Maready Comerford & Britt, L.L.P., in Winston-Salem. The firm concentrates in the areas of aviation, products liability, wrongful death, personal injury, professional malpractice, and complex civil litigation.

Grover A. Carrington (BA '70) of Mount Sterling, KY, was recently inducted as a Fellow in the American College of Trial Lawyers.

1976

Linda Ekstrom Stanley, a trustee with the US Bankruptcy Court, was featured in a recent issue of *California Bankruptcy Court Reporter*.

1977

M. Jackson Nichols was awarded the Silver Beaver Award by the Occoneechee Council of the Boy Scouts of America in January. The award, the highest that can be presented to an adult Scout leader, is given to volunteers who have rendered distinguished service to youth. He is Scoutmaster for Troop 325 and vice president of the Occoneechee Council. He is an attorney with Allen & Pinnix in Raleigh, NC.

1978

James R. Blevins (BA '71) is a claims consultant with Seibels Bruce Insurance Co. in Columbia, SC.

Gene Pridgen (MBA '75), senior vice president and general counsel of Glenayre Technologies, is now heading a new department, Corporate Legal Services.

Gregory W. Williams has co-authored a book, *Tar Heel Maps: Colony and State, 1590-1995* (pub. NC Wesleyan College Press), published as a companion piece to an exhibit of historic North Carolina maps at NC Wesleyan College last Dec. He lives in Rehoboth Beach, DE.

1979

Michael Colliflower has been promoted to senior vice president/legal and chief compliance officer of the life and health insurance subsidiaries of Conesco, Inc., a financial services organization headquartered in Carmel, IN.

William J. Kubida, a partner with Holland & Hart, L.L.P., has been named chair of the Intellectual Property Practice Group again. His practice concentrates in high technology patent and licensing law. He works primarily out of the firm's Denver and Colorado Springs, CO, offices.

Edward V. Zotian has joined Allman Spry Leggett & Crumpler in Winston-Salem. He practices in the areas of construction, commercial real estate and development, finance, and land use planning law.

1980

Fritz Richter III (BS '77) specializes in employee benefits law with the Nashville, TN, firm of Bass, Berry & Sims. He resides in Franklin, TN, with his wife, Sara, and their two children, Kathryn and Allison.

J. Clark Fischer has recently been certified as a specialist in criminal law and appellate practice by the NC Board of Specialization. He is with Randolph & Fischer in Winston-Salem.

Dan A. Boone has left Food Lion, Inc., after serving 14 years, most recently as the vice president of finance and CFO. He is now the CFO/general counsel of Carolina Family Restaurants, an operator and franchisee of

Notes

Alumni

IHOP restaurants in the Carolinas. He lives in Concord, NC, with his wife, Teena, and their sons, Josh and Graham.

Carson Carmichael III is a partner with Bailey & Dixon in Raleigh, NC, where he practices administrative and regulatory law.

1982

David Furr (BS '80) was included in a recent listing of the top 40 leaders under the age of 40 in the Charlotte, NC, area by the *Charlotte Business Journal*. He is a partner with Gray, Layton, Drum, Kersh, Solomon, Sigmon & Furr P.A. in Charlotte.

1985

Devin M. Leach was promoted to director of McLane, Graf, Raulerson & Middleton in Manchester, NH. He is the editor-in-chief of the NH Trial Lawyers' magazine, *Trial Bar News*, and is the Hillsborough Co. governor for the NH Bar Association.

Virginia Hourigan Rich of Morristown, NJ, is pursuing a masters in education and is a part-time administrative law judge for the New York Harbor Waterfront Commission.

1986

Terrence J. Bolan (BA '82) and a partner have opened a law firm, Bolan Jahnsen, Counselors at Law, in Shrewsbury, NJ. He specializes in trial law for specialty insurance companies.

Robert "Bucky" Saraga has been named a partner in the Boca Raton, FL, office of the Philadelphia, PA, firm Blank, Rome, et al.

Clifford Britt (BA '82, MBA '86) is a partner in a new firm, Maready Comerford & Britt, L.L.P., in Winston-Salem. The firm concentrates in the areas of aviation, products liability, wrongful death, personal injury, professional malpractice, and complex civil litigation.

1987

Michael Patrick Going is in-house counsel for First Union Bancorporation and its subsidiaries. He and his wife, Joanna, and their two daughters, Hilary (4) and Caroline (8 months), live in Philadelphia, PA.

Paul A. Simpson is now managing the Fredericksburg, VA, office of Hirschler, Fleischer, Weinberg, Cox & Allen.

E. William Kratt (BA '84) is a partner in Wyrick, Robbins, Yates & Ponton in Raleigh, NC, and a board-certified specialist in estate planning and probate law. He and his wife, Cathy, and their sons, Eli (3) and Ethan (3 months), live in Raleigh.

1988

Amy Konides Smith has been elected a director of Bell, Davis & Pitt, P.A. She specializes in estate planning, probate law, and tax law.

Robert J. Stovash has formed a new firm, Marlan & Stovash, P.A., in Orlando, FL.

1989

Ranlet Willingham Bell is with the tax practice group of Womble Carlyle Sandridge & Rice in Winston-Salem.

Law Board of Visitors

New Members

Martin Garcia (JD '81)
Tampa, Florida

Don Maddox (JD '67)
Hobbs, New Mexico

Mary Mac Pope (JD '77)
Pinehurst

William Wilson (JD '80)
Winston-Salem

Law Alumni Council

New Officers

Albert R. Bell Jr. (JD '75)
1997-98 President
New Bern

John D. Madden (JD '83)
1997-98 President-Elect
Raleigh

New Members

Charles Camp (JD '82)
Washington, DC

Tamura Coffey (BA '90,
JD '93) Charlotte

Tom Comerford (BA '72,
JD '74) Winston-Salem

Thurston Debnam (BA '69,
JD '72) Raleigh

Vickie Dorsey (BA '75, JD '78)
Atlanta, Georgia

David Furr (BS '80, JD '82)
Gastonia

Susan Gottsegen (JD '82)
Winston-Salem

John Lewis Jr. (JD '77)
Dallas, Texas

Wade Mitchell (BA '49,
JD '51) Valdese

Mark Poovey (BA '78, JD '80)
Winston-Salem

Scott Stichter (JD '87)
Tampa, Florida

Gary Tash (JD '71)
Winston-Salem

Judge George Wainwright Jr.
(JD '84) Morehead City

Recent Graduate
Carole Reece Albright (JD '95)
Greensboro

Ralph L. Bunch has been elected a vice president of Wachovia Bank of NC in Winston-Salem. He is staff attorney in the commercial real estate group.

Lucy Everett Edmondson of Cary, NC, is an attorney with the NC Employment Security Commission.

Dale E. Gunter is a senior attorney with Integon Insurance Co. in Winston-Salem.

Charlot Frye Wood has been elected a director of Bell, Davis & Pitt, P.A., in Winston-Salem. She practices in civil litigation, workers' compensation, employment law, insurance defense litigation, personal injury law, and automobile negligence law.

Stephen D. Celestini is a corporate attorney with Glaxo Wellcome, Inc., in Research Triangle Park, NC.

Giving Briefs

Law fund tops \$390,000

As of May 15, \$397,000 had been raised for the 1996-97 Law Fund. All funds raised above the \$300,000 mark go directly to student scholarships.

Parents campaign

The annual Parents' Campaign has raised \$24,917 this year. Ralph and Mary Abraham of Hattiesburg, Mississippi, chaired the campaign which received gifts from 46 parents.

Spring clean-up

The spring clean-up campaign, led by Christopher Jensen (JD '98), exceeded its \$15,000 goal, with \$20,850 raised as of May 15. Forty percent of the pledges came from new donors.

Firm commitment

The 1997 Firm Representative Program kicked off this spring. Seventy-nine firms with four or more Wake Forest graduates were invited to participate in the program which recognizes firms with 100 percent alumni participation in the Law Fund. This is the fourth consecutive year the Office of Law Development and Alumni Relations has sponsored the program.

Traveling dean

Dean Bob Walsh spoke at 12 alumni receptions this spring – in Mount Airy, Lexington, Rocky Mount, Raleigh, Wilmington, Greenville, New Bern, Charlotte, Gastonia, Durham, Greensboro, and Atlanta. If you are interested in organizing law alumni events in your area, please call Joshua Else in the Law Development and Alumni Relations office, (910) 759-5884.

Franklin Scott Templeton,

formerly legal counsel to the NC Department of Labor, has been named deputy secretary of state by NC Secretary of State Elaine Marshall. He lives in Raleigh, NC.

1990

Lawrence M. Baker is a partner in Golding, Meekins, Holden, Cospers & Stiles in Charlotte. He specializes in civil litigation, insurance defense, and workers' compensation defense.

1991

Wendy Robinson Miele is an associate attorney with Borton, Petrini & Conron in Newport Beach, CA. She specializes in construction defect coverage litigation.

William D. White III lives in Winston-Salem and is an associate with Real Estate Titles, Inc.

1992

Kent C. Ford has been named an associate in the Winston-Salem office of Edwards, Ballard, Clark, Barrett and Carlson, P.A. He specializes in workers' compensation and employment law.

William Kenan Maready Jr. is a partner in a new law firm, Maready Comerford & Britt, L.L.P., in Winston-Salem. The firm concentrates in the areas of aviation, products liability, wrongful death, personal injury, professional malpractice, and complex civil litigation.

Mary Alice Dixon has entered private practice with the Charlotte firm of Wishat, Norris, Henninger & Pittman, P.A., after several years as an attorney with the Children's Law Center. She concentrates in domestic, juvenile, and criminal law. She is also an adjunct professor at UNC-Charlotte and

CPC and does pro bono work in custody and domestic violence cases.

1993

Holly Guest-Jones is a corporate attorney with Hamilton Beach/Proctor-Silex, Inc., in Richmond, VA.

Rita Robertson Woltz has been named legal coordinator of the Rutherford Institute, a non-profit organization for the protection of religious freedom and parental rights, based in Charlottesville, VA.

1994

Steve Gardner has joined Kilpatrick Stockton, L.L.P., in Winston-Salem. He specializes in intellectual property law and civil litigation.

Bradley L. Hutter has been named director of personnel and corporate counsel for

ValCom, Inc., a business communications and information services provider based in Madison, WI.

Steven H. Hann has joined Shook, Hardy & Bacon in Kansas City, MO, in the national products liability litigation division.

William Pleasant (BA '91) has joined Kennedy Covington Lobdell & Hickman in Charlotte as an associate. He specializes in corporate finance.

1995

Stephen J. Bolin is now with Piper & Marbury in Baltimore, MD, in the corporate and securities practice group.

Manning Austin Connors III of Greensboro, NC, has completed a clerkship with NC Supreme Court Justice Burley Mitchell and has joined Smith Helms Mullins & Moore.

1996

Navy Lt. j.g. **Jonathan G. Odom** has completed the lawyers' military justice course at the Naval Justice School in Newport, RI, and is ready to serve as a judge advocate.

Marriages

Lucy W. Everett (JD '89) and Franklin S. Edmondson. 11/16/96

Dale E. Gunter (JD '89) and Denise M. Jennings. 6/22/96

Lawrence M. Baker (JD '90) and Susie A. Edwards. 9/14/97

Notes Alumni

Jane M. Johnson (BS '87, JD '92) and **William D. White III** (JD '91). 2/1/97

Bradley L. Hutter (JD '94) and Joelle D. Mortenson. 8/24/96

Keith A. Satsky (JD '94) and Ann G. MacLane. 9/1/96

Stuart Albright (JD '95) and **Carole Reece** (JD '95). 5/17/97

John Franklin Morrow Jr. (JD '96) and Anne Marie Sifford. 4/19/97

Births/Adoptions

Carson Carmichael III (JD '80) and Deborah Carmichael, Raleigh, NC: son, Davis Alexander. 3/11/96

Julia Hatcher Brown (BS '78, JD '81) and Joe L. Brown, Rocky Mount, NC: son, Samuel Hatcher. 8/22/96

Clifford Britt (BA '82, JD/MBA '86) and Joanna Britt, Winston-Salem: son, Benjamin Alexander. 11/29/96

Robert "Bucky" Saraga (JD '86) and Nanette Saraga, Boca Raton, FL: son, Andrew Blake. 11/21/96

E. William Kratt (BA '84, JD '87) and Cathy Kratt, Raleigh, NC: son, Ethan. 3/21/97

Roberta Wood Gavin (JD '88) and **Lee W. Gavin** (BS '85, JD '88), Asheboro, NC: son, Andrew Suiter. 12/9/96

Robert J. Stovash (JD '88) and Kimberly Stovash, Orlando, FL: daughter, Kristie Leigh Stovash. 10/10/96

Michael Knox (JD '89) and **Regine Sack Knox** (BA '86, JD '89), Davidson, NC: daughter, Emily Rose. 10/14/96

David A. Rhoades (JD/MBA '89) and Mary H. Rhoades, Raleigh, NC: son, Harrison Allen. 11/2/96

William Pleasant (BA '91, JD '94) and **Shannon Hefner Pleasant** (BS '91), Charlotte, NC: son, Benjamin Hughes. 12/15/96

Holly Guest-Jones (JD '93) and Norman Andrew Jones, Richmond, VA: son, Robert Andrew. 12/27/96

Deaths

Hillis Remsen Ellington (JD '35) 2/20/97, Torrance, CA

Simeon F. Caldwell Jr. (BA '38, JD '40) 1/25/97. A life-long resident of Lumberton, NC. He owned and operated S.F. Caldwell & Co. and Court Square Hardware. He served in the US Air Force during World War II and was one of the prosecutors on the war crimes commission in Japan.

H. Clay Hemric (JD '38) 2/9/97. He practiced law in Burlington, NC, from 1948 until 1973.

George Edgar Clayton Jr. (BS '56, JD '59) 1/28/97, Rocky Mount, NC. A lawyer for 30 years, he received the Distinguished Service Award from the City of Winston-Salem in 1965.

Send information for class notes to: Joshua Else, P.O. Box 7227 Reynolda Station, Winston-Salem, NC 27109-7227. Please help ensure the accuracy of class notes by printing your information and giving complete information of job changes, promotions, etc. For marriage and birth announcements, please include spouse's name.

SCHOLARSHIP GIFT HONORS MURRAY GREASON

Womble Carlyle Sandridge & Rice has given \$25,000 to the School of Law to endow a scholarship honoring University Trustee Murray C. Greason ('59, JD '62), a former managing partner of the firm.



The scholarship will be awarded to students from North Carolina who earned their undergraduate degree from Wake

Forest, with preference to those from the town of Wake Forest and the children of current or former Reynolda Campus faculty and staff members.

"I am interested in improving the opportunity for students who are close to the roots and history of the University to attend the law school," said Greason, who also chairs the law school's board of visitors. "By setting the guidelines in that way, it will help students who logically have a better understanding than others of the University's heritage."

Greason joined Womble Carlyle in 1965. He stepped down as managing partner last September, but he continues to practice with the firm.

"Murray provided outstanding leadership to the firm as managing partner for nine years at great sacrifice to his own law practice and to his personal life," said current managing partner John Garrou. "We wanted to acknowledge that leadership with something that would be a permanent reminder of our appreciation. Providing a scholarship to the institution that he holds most dear, and especially to the law school, seemed the best way to do that."

Greason grew up in the town of Wake Forest. His father was the basketball coach at the College from 1934-57, and his mother worked in the town post office and in the dean's office on the new campus.

Womble Carlyle is based in Winston-Salem.

A COUNTRY LAWYER *and* MORE

James Mason

Don't be fooled when James Mason (JD '38) describes himself as "just a country lawyer."

During his six terms on the Wake Forest Board of Trustees – from 1961 until 1989 – and numerous terms on the law school's alumni council and board of visitors, Mason emerged as one of the University's most influential trustees and the law school's strongest advocates.

From helping select the last two presidents of Wake Forest and two of the last three deans of the law school; to raising money to build and expand Carswell Hall; to seeking increased funding for the law school, Mason has spent nearly four decades fighting to improve legal education at Wake Forest. It's been a fight he's relished.

"I don't think anyone can say I've been unreasonable," says Mason, who was given the University's highest award for service, the Medallion of Merit, in 1980, and elected a life trustee in 1990. "I was just constantly trying to see that the law school had its day in court and catch up with the rest of the institution. The rougher it got, the more determined I became.

"I'm grateful to have served when I did because of all the momentous decisions made during this time. Wake Forest



JAMES MASON: FIGHTING FOR 40 YEARS TO ENSURE 'THE LAW SCHOOL HAS ITS DAY IN COURT.'

was where the action was. I wouldn't want to go back and do it again because I don't think I could have as much fun."

Mason's unrelenting advocacy for the law school sometimes seems at odds with his dignified, Southern gentleman appearance. But when fighting for votes before a trustee meeting or gently persuading—and sometimes not so gently persuading—a dean or president to see his side of an argument, he has never been one to back down.

Skills honed during the nearly 60 years he's practiced in Laurinburg, North Carolina—such as knowing when to be a fighter and when to be a peacemaker—have served him well in his crusade for the law school. When he talks about his

work, he could just as easily be describing his relationship with law deans or angry Baptists over the years.

"Being a lawyer has enabled me to deal with controversy and human nature," he says. "Any successful lawyer has got to be a good psychologist. If you can bring your client around to accept what's fair and proper and reasonable, then they will usually be satisfied."

A native of Laurinburg, in the southeastern part of North Carolina, Mason's father was a merchant and farmer and his mother was a nurse. After he finished fourth in a statewide high school debate tournament, Wake Forest Professor Jasper Memory, who had watched the young debater, offered him a

\$50 scholarship to attend Wake Forest, enough to pay for a semester's tuition.

Following two years in the college, Mason entered the law school – then on the second floor of the Heck-Williams Building on the old campus – where the "case" system of studying law was just being introduced and where professors N.Y. Gulley, I. Beverly Lake, Bruce White, and E.W. Timberlake ruled.

After graduating in 1938, Mason opened his own practice in Laurinburg. Four years later, faced with accepting a Navy commission or joining the FBI, he signed on with J. Edgar Hoover. As a special agent stationed in San Francisco and Los Angeles, he spent much of the war years keeping an eye on the film industry.

When Mason returned to Laurinburg after the war to raise his family, he began volunteering for Wake Forest, first traveling to the old campus, and later making the five-hour round-trip drive to Winston-Salem, with increasing frequency. (Mason's daughter, Celeste Pittman '67, was elected to the board of trustees in 1994; son Jim is a trustee of Wingate University.)

In the early fifties, while the new campus was under construction, he traveled with Dean Carroll Weathers around

southeastern North Carolina raising money for the new law building, later named Carswell Hall. "He was one of the most ethical men I've ever known," says Mason, who received the law school's distinguished alumnus award—named for Weathers—in 1983. "He added class and stature to the law school. He brought great young teachers to the school who turned out to be real giants."

Despite gains made during Weathers' tenure, the law school was under-funded and struggling when Mason was first elected to the Board of Trustees in 1961. He was determined to change its status as the "red-headed stepchild" of the University.

"The law school needed an advocate, and people looked to me," he says. "Wake Forest had produced great lawyers and great leaders for the state, but I never thought the law school got a fair shake. Other parts of the University were always put ahead of the law school."

Mason set out to make sure that wouldn't happen again. Serving on the selection committee that chose James Ralph Scales as Wake Forest's president in 1967, Mason made Scales promise to look after the law school. Under Deans Pasco Bowman and Don Scarlett—both of whom Mason helped select—the prestige of the law school grew in the seventies and eighties, but funding and a shortage of space remained problems.

Mason did his part to solve those problems by establishing a law scholarship in his parents' names and leading fund-raising drives in 1971 and 1978 to pay for additions to Carswell Hall.

As chair of the Board of Trustees in 1978-79, Mason

fought off attempts by the North Carolina Baptist State Convention to exercise more control over the University. (The trustees later received the Alexander Meiklejohn Award for Academic Freedom, the highest award given by the American Association of University Professors, for refusing to yield to denominational pressure.) Mason also negotiated a new relationship with the Convention in 1979 that gave the University more autonomy and paved the way for a formal separation in 1986.

When Thomas K. Hearn Jr. was named to replace Scales in 1983—with Mason again serving on the presidential selection committee—Mason wasted no time in making a pitch for a new building for the law school.

"We impressed on him (Hearn) that the space situation was critical. We had to have a new building; our time had come. He agreed that he didn't want any part of the University to be sub-par. We had great faculty and great students, but we couldn't have a great law school without a new building."

When construction began on the Worrell Professional Center for Law and Management in 1990, Mason delivered the invocation at the groundbreaking ceremony. The building opened in 1993.

"I'm sort of glad now that the law school had to wait so long for a new building," says Mason, who received an honorary doctor of laws degree in 1996. "The wait was worth it. We now have one of the finest law buildings in America. I'm glad I lived long enough to see my dream come to fruition." ■

— Kerry M. King

Law Homecoming Weekend

SEPTEMBER 25 - 27, 1997

Thursday, September 25

7:30 p.m. Football Game: Wake Forest vs N.C. State

Friday, September 26

9 a.m. Alumni Golf Tournament

10 a.m. Dean Walsh Alumni Tennis Tournament

1 - 5 p.m. Return to the classroom

6:30 p.m. Partners' Banquet - Forsyth Country Club

Saturday, September 27

8:30 a.m. Alumni Association General Meeting
Magnolia Room



Hotel Information

Holiday Inn Select, University Parkway
(910) 723-2911

Courtyard by Marriott, University Parkway
(910) 727-1277

Specify that you are with the Law Alumni block

For further information, call the Office of Law
Development and Alumni Relations, 1-800-752-8570

First Spring Reunion Weekend

THE TRADITIONAL FALL REUNION PROGRAMS for classes observing special reunions have been moved to the spring. Homecoming for all alumni will still be held in the fall.

Celebrating spring reunions next year, on April 24 and 25, will be the classes of 1968, 1973, 1978, and 1988.

Celebrating spring reunions this year were the classes of 1967, 1972, and 1987. More than 100 alumni gathered on April 4 and 5 to enjoy a joint reception with alumni from all three reunion classes, dinner with their class, and a golf tournament. Members of the class fund-raising committees are listed below.



THURSTON DEBNAM (BA '69, JD '72), AT LEFT, AND **CARL** ('70, JD '72) AND **PEGGY HIBBERT** (MA '71)

Class of '72 Committee

Thurston Debnam, chair
Charles Alexander
Carl Hibbert
John May
Larry Price
William Pritchett



DEAN WALSH ACCEPTS A CHECK SHOWING THE RESULTS OF THE CLASS OF '67'S FUND-RAISING EFFORTS FROM CLASS CHAIR **JOHN VERNON** (BA '64, JD '67).

Class of '67 Committee

John Vernon IV, chair
James Ashburn
Don Donadio
Hon. John C. Martin
Dan McGinn
Frank Weaver
Bob Yelton
David Zacks
Doyle Early Jr.



SCOTT LOVEJOY (JD '87), AT RIGHT, WITH FORMER DEAN **DON SCARLETT**

Class of '87 Committee

George Kimberly, chair
Ward Nye
Scott Stichter
Karen Williams
Charlie Mast
Bill Kratt
Perry Fisher
Scott Lovejoy
Burk Wyatt
Susanne Robicsek

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