

# Wake Forest JURIST

*the magazine of Wake Forest University School of Law*

## ROLE MODELS OF CIVILITY

The Inn of Court at Wake Forest

Summer 2005



# Wake Forest JURIST

## CONTENTS

volume 35 . number 2 . Summer 2005

### FEATURES

page 10

Role Models of Civility: The Inn of Court  
at Wake Forest *by Ellen Dockham*  
Inn of Court Promotes Ethics, Professionalism

page 14

Gifts with Powers of Attorney *by Kate Mewhinney*  
Are We Giving the Public What It Wants?

page 10

### DEPARTMENTS

page 2

Dean's Column

page 4

Briefs

page 7

Faculty Notes

page 16

Alumni Notes

page 26

Alumni Profile

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page 14

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*"You can make a difference to the professionalism of the next generation of lawyers by participating in starting a local Inn of Court."*

The featured article in this issue of the *Jurist* is about our Inn of Court Chapter at Wake Forest, the Chief Justice Joseph Branch Inn of Court, founded in 1990. For the last several years, I have had the good fortune to be a member of the national Board of Trustees of the American Inns of Court Foundation. Last month, I attended its national conference celebrating the 25th anniversary of the founding of the first Inn of Court. Service on the national trustees and the program at the recent conference have inspired me to be even more evangelical about the American Inns of Court movement.

In 1977, then Chief Justice Warren Burger went to England with a delegation of American lawyers and judges as part of an exchange program. There they observed the English Inns of Court system. English lawyers are either barristers (basically trial lawyers) or solicitors (basically office lawyers). An English barrister must belong to one of the four Inns of Court in London: Inner Temple, Middle Temple, Gray's Inn, or Lincoln's Inn. The Inns of Court, and not the English judiciary, admit people to become practicing barristers. The Inns of Court have

educational requirements, including vocational courses, apprenticeship programs, and the requirement of a set number of formal dinners with fellow members in the hall of the Inn. Indeed, there are additional dining requirements for barristers in the Inn for members akin to American continuing legal education requirements.

Chief Justice Burger was very impressed with the civility and high professional standards he observed on his two week exchange in England. Upon his return to the United States, he initiated a pilot program which resulted in the establishment of the first American Inn of Court in 1980 at the law school of Brigham Young University in Provo, Utah. By 1985, a dozen Inns of Court had been formed around the country and their leaders felt the need for a national umbrella organization. That year, the American Inns of Court Foundation was chartered in Washington, D.C. as a non-profit, tax exempt corporation. This foundation serves as the hub for communications among the nation's Inns, aids the establishment of new Inns, and provides support for services and programs for Inns in a way that would be beyond the resources of autonomous small local groups. Today, there are 349 active Inns of Court with over 27,000 active members and about 63,000 alumni members. About two-thirds of America's law schools have some association with a local Inn of Court.

I first became involved in the American Inns of Court movement in Little Rock, Arkansas in 1988. I was a litigator in a law firm there, having previously served as Dean of the University of Arkansas at Little Rock School of Law. I had been president of the county bar association four years previously. The then current president of this bar was another partner in our firm. Under the auspices of the county bar and the law school, we founded the 43rd Inn of Court in the United States.

When I came to North Carolina to be Dean at Wake Forest in 1989, there were no chapters of the American Inns of Court in the state. As out-

lined more fully in the featured article, with the help of five great Wake Forest lawyers, the Chief Justice Joseph Branch Inn of Court began operation in 1990, the same year that the Chief Justice William H. Bobbitt Inn of Court began operation in Charlotte. The Branch and Bobbitt Inns were the first Inns in North Carolina. The Branch Inn was Inn number 117 and the first associated with a law school in the state.

The popularity of our Inn of Court has grown greatly in the fifteen years since 1990. We have expanded each member category of the Inn, so that today there are approximately 150 Inn members, 50 in each of the three categories. From the beginning, the Branch Inn has involved lawyers in both Forsyth and Guilford counties. The interest in being a member of the Inn outstripped our ability to expand in size and keep our collegial character, and in 1996, the Guilford County chapter of the American Inns of Court was chartered as Inn number 278.

In addition to mentoring in ethics, professionalism, and the highest customs of the legal profession, the establishment of an American Inn of Court chapter in an area has one other great professionalism benefit: collegiality at the bar. In *The Taming of the Shrew*, Shakespeare said: "Do as adversaries do in law, strive mightily, but eat and drink as friends." One great advantage that our British counterparts enjoy is that their trial lawyers all practice in one jurisdiction in one of four Inns in the city of London in a country with most of its population within 250 miles of London and a very much smaller bar. One effect of our two-county Inn of Court has been that it has contributed to lawyers on different sides of the bar getting to know each other better in an atmosphere that makes for a cooperatively functioning bench and bar, avoiding the anonymity that helps breed incivility.

I was a litigator in Los Angeles in the late 1960's and early 1970's. I later was a trial lawyer in Little Rock during the 1980's. Most lawyers who have practiced for approximately the same amount of time would say that collegiality and

civility at the bar were greater in the earlier time. That was not my experience, because I practiced in a smaller community in the later time. Even though Little Rock had a thousand lawyers, those who did the same type of civil litigation that I did were a smaller group. Lawyers on the other side of a case would know that they would probably be seeing you or your partners in future litigation and also got to know you as people. It is harder to be uncivil to someone you really know.

You can contribute to the American Inns of Court movement by leading efforts to develop an Inn in your locality. While having Inns associated with law schools has the virtue of catching nascent lawyers at a stage in which they are blank slates in terms of the values of the profession, there are many Inns in areas without law schools in which the pupil members are fairly new practicing lawyers. Moreover, while most current Inns focus on litigation generally, there are a growing number of specialty Inns, e.g., bankruptcy, family law, workers' compensation, etc.

The American Inns of Court Foundation has a wonderful staff who are devoted to helping new Inns get up and running. I hope that many of you will consider starting new Inns in your area and will associate with the American Inns of Court Foundation. I would personally be happy to help, if you contact me. I will also ask the national foundation staff to help. You can make a difference to the professionalism of the next generation of lawyers by participating in starting a local Inn of Court. ⚖️

—Dean Robert K. Walsh

## ABA Leader, Dennis Archer, Addresses 2005 Graduates

WAKE FOREST UNIVERSITY School of Law honored 150 J.D. and 12 LL.M. graduates at the School's annual hooding ceremony held on Sunday, May 15. Dennis W. Archer, Immediate Past President of the American Bar Association, delivered an inspiring address charging each graduate to strive for justice. The hooding ceremony was followed the next day by the University's commencement exercises on Monday, May 16 where Arnold Palmer, one of the most beloved golf legends of all time, delivered the University's 163rd commencement address.

The 2005 graduates bring the total number of Wake Forest Law School alumni to 6,505. We congratulate the Class of 2005 and welcome them as the newest members of our alumni community.



Dean Robert K. Walsh and Dennis W. Archer

## Nathan Hatch Named 13th President of Wake Forest University

THE BOARD OF TRUSTEES of Wake Forest University unanimously approved Dr. Nathan O. Hatch, former Provost of the University of Notre Dame, as the 13th President of Wake Forest effective July 1, 2005. Dr. Hatch is an internationally recognized authority on the history of American religion. His academic and administrative contributions during his thirty-year tenure at Notre Dame have strengthened the Institution's undergraduate, graduate, and professional programs. This experience provides a solid foundation for his presidency at Wake Forest.

Dr. Hatch received his undergraduate degree from Wheaton College in 1968 and his master's and doctoral degrees from Washington University in St. Louis. He was awarded post-doctoral fellowships at Harvard and Johns Hopkins Universities before joining the faculty at Notre Dame in 1975. His advancements at Notre Dame began early in his career, first receiving the College's Paul Fenlon Award for excellence in undergraduate teaching. He was named Associate Dean of the College of Arts and Letters in 1983 and was Acting Dean from 1988 to 1989. He served as Provost since 1996 and was named as the Andrew V. Tackes Professor of History in 1999. As Provost, he was committed to pursuing an outstanding faculty, revitalizing undergraduate education, and enhancing academic centers of excellence on campus.

Hatch, a native of Columbia, South Carolina, also has family roots in North Carolina where gen-

erations of Hatches have lived since the American Revolution. He and his wife, Julie, have three children, Gregg, David and Beth. Aptly, Dr. Hatch is a life-long ACC fan.

Hatch's remarks upon accepting the presidency mentioned six factors that influenced his decision to join the Wake Forest community: (1) Wake Forest's steep academic ascent and the strength of its faculty; (2) Wake Forest's "keen sense of place," even as it has become a national university; (3) Wake Forest's face-to-face community, one that promotes the direct, unmediated interaction of faculty and students; (4) Wake Forest's dynamic professional schools; (5) the University's commitment to nurturing students morally as well as intellectually, as symbolized by its motto, *Pro Humanitate*; and finally, (6) the vibrance of the Winston-Salem community.

Dr. Hatch brings to Wake Forest a wealth of



Nathan Hatch

knowledge, experience and faith to begin this new challenge. In a speech accepting the presidency he said, "Julie and I look forward to moving to Winston-Salem and taking on the challenges of this great University, a place that has a rich history, a compelling mission, and a very bright future. I intend to be faithful to the powerful

traditions that inspire this place and to do everything in my power to advance Wake Forest as a leading university, committed to nurturing mind and heart."

Two of our Law School alumni were on the Presidential Search Committee. Murray C. Greason, Jr. (JD '62) was chair of the committee and Bobbi A. Acord (JD '89) was a committee member. Professor Charles P. Rose Jr. participated on the Faculty Advisory Committee to the Presidential Search Committee.



## Fourth Circuit Court of Appeals Holds Oral Arguments at Law School

THE UNITED STATES Court of Appeals for the Fourth Circuit held oral arguments at Wake Forest University School of Law on Friday, March 18, 2005. The Law School has been host to other courts, including the United States Court of Appeals for the Armed Forces, the North Carolina Court of Appeals, and a previous visit by the Fourth Circuit. These arguments have provided exceptional opportunities for our students to experience live court sessions.

The panel of judges included Judge Diana Motz from Baltimore, Maryland; Judge Karen Williams from Orangeburg, South Carolina;

and Judge Allyson Duncan from Raleigh, North Carolina. The judges arrived the evening before the court session to present a panel discussion at the Chief Justice Joseph Branch Inn of Court meeting. After the meeting, the judges joined Inn members for dinner.

The panel heard three cases at the Law School:

*Yi v. Adams*: The central issue was whether the Bureau of Prison's regulation is a reasonable interpretation of the applicable federal statute.

*US v. William Q. Thomas*: The central issues were whether business records were properly authenticated and whether in-court identification was based on impermissible suggestive out-of-court identification.

*Myers v. Loudoun County Public Schools*: The central issue was whether Virginia statutes requiring public school students to recite the Pledge of Allegiance and public schools to post the motto "In God We Trust" violate the Establishment Clause.

After the arguments, the panel discussed practices of the court with the audience and held a question and answer period followed by a luncheon with student leaders.

## Wake Forest Trial and Moot Court Teams Make Strong Showings in Spring Competitions

THE EXCEPTIONAL ADVOCACY TALENTS of Wake Forest students were on display at various trial and moot court competitions during the spring 2005 semester. Of course, the participating students, along with supporting faculty members and coaches, have invested large amounts of time and energy throughout the year to yield successful and praiseworthy results at each competition.

The National Moot Court Team of Dave Cole, Megan Johnson and Bryce Landier swept

## SHELLEY SLAUGHTER HOLDEN RETURNS TO WAKE FOREST

SHELLEY HOLDEN ('00, JD '03) returned to her alma mater as the new Assistant Director for Law Development and Alumni Activities in January 2005. Shelley loves being back at Wake Forest and said, "It's easy to raise money for something I feel very passionate about. My husband and I are huge Wake Forest fans and we both had great experiences here."

While in law school, Shelley was President of the Domestic Violence Advocacy Program (DVAC), a member of the 2002-2003 3L Campaign Committee for the Law Fund, and recipient of the James A. Webster Faculty Award for her academic accomplishments in Property I and II.

Shelley has been active in Winston-Salem volunteering at the Brenner Children's Hospital, serving on the NC Triad Race for the Cure Committee, and being a member of the Junior League.

Her work for the Law School includes directing the Law Fund, managing the Law Alumni Council and the Firm Rep program, as well as planning alumni events and activities. "My goal is to build communications with our law alumni and to increase financial resources for the school that has meant so much to me."

A native of Oxford, NC, Shelley is married to David L. Holden '99, a principal with Holden Mickey & Mickey Inc. They live in Winston-Salem.



Shelley Slaughter Holden

the regional competition in Richmond, Virginia in November, as well as winning top awards for the best oralist and best brief. In early February, this outstanding trio competed in the national rounds in New York City, making it to the Final Four. They ultimately lost a close round to Drake University in the semi-final round. The team and its advisor, Professor Charles Rose, logged countless hours of preparation prior to the competition (even over our winter break) and were outstanding appellate advocates and representatives of Wake Forest at the national level.

The National Trial Team won the regional competition that was held at WFU School of Law in early February. The winning regional team members were Bill Morgan, J.D. McAllister, Julie Davis, and Charley Gould. Members of WFU's second team, Katie Short, Matt Baldwin and Candice Garcia, also performed admirably. These students, their coaches, Danielle Williams (JD, MBA '96) and Stephanie Reese (JD '96), and their faculty advisor, Professor Carol Anderson,

prepared for months for the competition. This preparation produced exceptional results against extremely tough competition from other schools.

The Gabrielli Family Law Moot Court Team represented Wake Forest well in Albany, New York in late February. J.D. McAllister, Adam Costa and Emma Merritt made it though to the quarterfinals where they lost in a very close round to the team from Florida State, the ultimate winner of the competition. Professor Suzanne Reynolds, who advises and coaches the team, described the performance of the Wake Forest team as "fabulous".

The Jessup International Law Moot Court Team of Josh Kimsey, D.J. O'Brien, Megan Shafer, Brett Shumate and Keith Taylor won second place in the East Region Philip C. Jessup International Law Moot Court Competition at Ohio State University at the beginning of March. The team's two briefs, researched and written jointly by the team, won second place honors. Brett Shumate was adjudged best advocate, and Josh Kimsey won sixth place advocacy honors among over 40 competitors. Once

again, this team, advised by Professor George Walker, demonstrated excellent advocacy skills and were great representatives of Wake Forest.

The National Sports Law Team of Andrew Irby, Brad Austin and Maureen Carr competed recently (during Mardi Gras!!) at the Tulane Mardi Gras National Invitational Sports Law Competition. Andrew Irby received the award for second place oralist and the team received the top award for the best brief submitted in the competition. The team performed well and advanced to the quarterfinals in oral arguments. This team and its advisor, Professor Don Castleman, are to be commended for the strong oral and written advocacy skills displayed during this highly competitive event.

Wake Forest School of Law congratulates all of its teams for their outstanding performances this year. Their professionalism in preparation and delivery showcased Wake Forest students as some of the finest trial and appellate advocates in the country. We salute students, coaches and faculty advisors for a job well done!

## BRIEFS

❖ Jack Ford, of Court TV and PBS and former anchor and legal correspondent for ABC and NBC, spoke at the Law School on January 12. "Reflections on the Scott Peterson Trial: The Law, Lawyers, and the Media" was his topic of discussion.

❖ Richard Moore (BA '82, JD '86), the North Carolina State Treasurer, spoke at the Law School on February 10. His topic was "Shareholder Responsibility in a Post Enron World."

❖ Bonnie Brier was the spring guest for the "Conversation With..." series on February 17. Brier is the General Counsel to the Children's Hospital of Philadelphia.

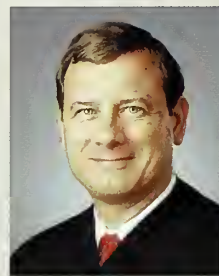


Bonnie Brier

❖ William K. Suter, Clerk of the U. S. Supreme Court, came to Winston-Salem to have dinner with some of our alumni, to cheer on the Demon Deacons, and to give a talk to our Law School community. Suter's talk, "A Current Report on the United States Supreme Court," was presented to a "standing room only" crowd in the Law School's courtroom.

❖ The 20th Annual Black Law Student Association Scholarship Banquet was held on February 18. The keynote speaker was Rodney E. Slater, former U.S. Secretary of Transportation and current partner in the Patton Boggs law firm in Washington, DC. The theme for the 20th annual banquet was "Building a Legacy."

❖ The Second Annual Wilson Lecture in Law and Business was held on March 29th. Professor Frank Partnoy from the University of San Diego School of Law was the featured speaker. His address was entitled "Infectious Greed in Financial Markets — Some Recent Stories."



Roberts



Suter

❖ The 2005 Jeff Rupe Memorial Lecture was held on February 25. Judge John G. Roberts Jr., U.S. Court of Appeals for the District of Columbia Circuit, was the featured speaker. He presented a talk entitled "Reflections of a New Federal Judge." Judge Roberts was recently nominated to the U.S. Supreme Court by President George W. Bush.

❖ The 2005 Law Review Business Symposium was held on April 15. The topic was "The Future of Closely Held Business Entities." The Honorable Ben F. Tennille, Special Superior Court Judge for Complex Business Cases of the North Carolina Business Court, was the keynote speaker. A panel of leading academic experts discussed current and anticipated issues on this topic. The panel included Robert W. Hillman, University of California-Davis School of Law; Daniel S. Kleinberger, William Mitchell College of Law; Kimberly D. Krawiec, University of North Carolina School of Law; Douglas K. Moll, University of Houston Law Center; and Larry E. Ribstein, University of Illinois College of Law.



CAROL ANDERSON recently participated in the Advanced Capital College. This program is sponsored by the Center for Death Penalty Litigation and the NC Academy of Trial Lawyers in Raleigh. "Students" in the course are lawyers who actually have pending death penalty cases. Also this spring, Professor Anderson oversaw the regional rounds of the National Trial Competition which was hosted by the Law School. This competition involved the coordination of over 100 volunteer participants who served as judges and witnesses as well as 20 teams from law schools across the country. Finally, Professor Anderson is serving as a pro bono guardian ad litem for a seriously injured plaintiff in an ongoing complex civil action.

MARCIA BAKER's CALI lesson on Attorney General Material was recently published on-line.

DON CASTLEMAN moderated a panel presentation entitled "Distance Learning — Asynchronous" at the Southeastern Association of Law Schools summer conference. Also, he was privileged to

spend 10 days in May aboard the USS Bonnehomme Richard LHD-6, a U.S. Naval amphibious assault carrier. He joined his son, Lt. Chris Castleman, Deputy Director of Flight Operations, on the ship at Pearl Harbor as it returned to San Diego from a six month deployment in the Persian Gulf, during which it was one of the first ships on the scene in the Tsunami Disaster relief effort. He had the opportunity to live on the ship and to observe numerous flight operations and combat simulations.

ROBERT CHESNEY's article, "The Sleeper Scenario: Terrorism — Support Laws and the Demands of Prevention," was published in February by the *Harvard Journal on Legislation*. His essay "Careful Thinking about Counterterrorism Policy" (reviewing a book by Philip Heymann) appeared in the inaugural issue of the *Journal of National Security Law and Policy*. He has presented several talks this spring and summer on terrorism-related issues. He spoke at Duke School of Law on the law banning material support to foreign terrorist organizations at a conference entitled "Strategies for the War on Terrorism: Taking Stock;" he presented a talk on Guantanamo Bay detainees at the National Security Studies training program for senior military and civilian executives jointly sponsored by Syracuse University's Maxwell School of Public Affairs and the Paul H. Nitze School of Advanced International Studies of The Johns Hopkins University; he presented a paper on emerging issues in the law of national security during a conference at U.S. Northern Command headquarters in Colorado Springs; he spoke on the rendition of terrorism suspects at the annual meeting of the Law & Society Association; and finally, he attended the week-long "Operational Law" course at the U.S. Army's Judge Advocate General's school in Charlottesville and gave a presentation concerning the military's post-9/11 homeland defense mission.

TRACEY BANKS COAN spoke on "Ethics on Appeal" at a February CLE program on State and Federal Appellate Procedure presented by the North Carolina Bar Association Foundation.

JENNIFER COLLINS' article entitled "Crime and Parenthood: The Uneasy Case for Prosecuting Negligent Parents" has been accepted for publication by the *Northwestern University Law Review*. She presented this paper at the May Gathering, an annual meeting at Georgetown Law School of

young faculty members from law schools across the country. Locally, she was one of the speakers at a discussion on the "American Jury System" at the May Forsyth County Bar Association meeting commemorating Law Day.

CHRIS COUGHLIN co-presented "Medical Malpractice Reform — The Good, The Bad and The Ugly" to the North Carolina Bar Association Health Law Section in April. Also this spring, she presented a lecture on "Medical Malpractice Reform" to the WFU School of Medicine as part of the Medicine As A Profession ("MAAP") course.

MICHAEL CURTIS presented a paper entitled "St. George Tucker and the Legacy of Slavery" at a conference at the Marshall Wythe School of Law at William and Mary in February. The paper is part of a symposium to be published in the *William and Mary Law Review*. He also participated in a week long event on the First Amendment sponsored in part by Greenlee School of Journalism and Communication at Iowa State University in Ames, Iowa.

TIM DAVIS' new textbook *Sports Law and Regulation: Cases, Materials and Problems* (Aspen) (co-authored with Matthew Mitten, Rodney Smith and Robert Berry) was recently released. This spring, he also gave lectures on issues in sports law to the Raleigh Professional Women's Forum, on race and sports to the sports law class at UNC School of Law, and on "Recent Developments in Sports Law" in Indianapolis at the National Federation of State High School Association's Summit and Legal Meeting. In April, he was invited to attend a meeting of the Contracts Drafting Committee of the National Conference of Bar Examiners in San Francisco. He was recently appointed to the Anti-Doping Review Board of the United States Anti-Doping Agency (USADA).

MAUREEN EGGERT was one of the speakers at a recent CLE entitled "Find It Free and Fast on the Net: Advanced Internet Strategies for the North Carolina Legal Professional." She also coordinated and moderated two programs at the 2005 Annual Meeting of the American Association of Law Libraries in San Antonio: "Publishing Outside the Law Library Box: Opportunities Beyond Law Library Publications" and "Managing for Cultural Diversity."



Walker Competition Judges Julie Theall and Sydney Eagles with finalists Timothy Flanigan and Patrick Kane

- ◆ First-year students, Timothy Flanigan and Patrick Kane, demonstrated excellent advocacy skills in the final round of the George K. Walker Moot Court Competition. Sidney Eagles, a partner with Smith Moore and former chief judge of the N. C. Court of Appeals, District Court Judge Denise Hartsfield of Forsyth County, and Julie Theall, a partner with Smith Moore served as judges for this competition. Patrick Kane ultimately won the final argument after outstanding arguments by both finalists.
- ◆ Each year the committee for the series "A Conversation With ..." selects a law professor to interview. On March 31, Professor Ron Wright was the featured faculty guest.

MIKI FELSENBURG is in her second, two-year term as the Public Member of the Wound Ostomy Continence Nursing Certification Board (WOCNCB). She was instrumental in revising the WOCNCB's Conflict of Interest policy and procedures. She also recently represented the Law School on a University-wide panel discussing Dr. William F. May's recent work on "The Public Obligation of the Professional."

SHANNON GILREATH served as a commentator for the British political magazine, *New Humanist*. His thoughts on the mingling of religion and U.S. politics and law appeared in the magazine's May issue. In June, Gilreath was elected to the Board of Directors for the North Carolina Gay and Lesbian Attorneys Association. He has also been elected to the Advisory Board of the North Carolina Institute for Equal Rights. Additionally, Gilreath, who also holds a faculty appointment at Wake Forest Divinity School, was the recipient of a substantial grant from the Sara Lee Corporation to benefit his continued exploration of the nexus of religion and the law governing sexuality in the United States. His completed manuscript, *Sexual Politics: The Gay Person in America Today*, is forthcoming in the University of Akron Press' Law, Politics and Society Series. Gilreath delivered a lecture based on the book at New York University in December. In the Fall semester, he will offer a course on law and sexuality as part of Wake Forest's Women's and Gender Studies Program.

MIKE GREEN and his co-reporter Bill Powers delivered the text of Proposed Final Draft No. 1 for the Restatement (Third) of Torts: Liability for Physical Harm early this spring. The draft was discussed and received final approval at the ALI annual meeting in May. It represents the culmination of efforts by Professor Green and two other reporters going back to the late 1990s. Publication of this Restatement will be delayed until Powers and Green can complete two additional chapters that the ALI requested they prepare and add to the material already completed. This spring, Green presented a paper on the intersection of causation and damages at a symposium on pain and suffering at the DePaul Law School and made a presentation on toxic causation at a Judicial Symposium on "Critical Issues in Toxic Torts Litigation" held at Georgetown Law Center and sponsored by the AEI-Brookings Joint Center for Regulatory Studies. Also, Professor Green spoke at the Association of American Law Schools

(AALS) annual conference on "The Future of Comparative Responsibility," at the Tort and Compensation Systems Section meeting. He was appointed for a three-year term to the AALS Committee on Professional Responsibility. This summer, he spoke on "Causation in Pharmaceutical Cases" at an ALI/ABA program in San Francisco on Products Liability. Finally, the European Group on Tort Law, of which he has been a member for several years, published the culmination of its work entitled "Principles of European Law."

MARK HALL's article, "The Death of Managed Care: A Regulatory Autopsy," has been accepted for publication in the *Journal of Health Politics, Policy & Law*. His article, "Can You Trust a Doctor You Can't Sue?," was published in April in the *DePaul Law Review* as part of the Clifford Symposium on Tort Law and Social Policy. He and fellow professor, Ralph Peeples, published an article in the *Annals of Family Medicine* entitled "Liability Implications of Physician-Directed Care Coordination" which was covered in several health care related news publications. Professor Hall presented a paper on consumer-driven health care to a public policy workshop on health care market competition this spring in Washington D.C. and a talk this summer on the same subject at the annual Health Law Teachers Conference, sponsored by the American Society of Law, Medicine and Ethics.

JOHN KORZEN presented a paper this spring at a CLE sponsored by the Federal Public Defender for the Middle District of North Carolina. His presentation gave an overview of practice before the Fourth Circuit and a review of the past year's criminal law decisions by the Circuit. His article, "Just the Facts: Ten Tips on Writing a Persuasive Statement of Facts," has recently been reprinted in *Journal*, a publication of The Academy of Florida Trial Lawyers. This article was originally published last year in *Trial Briefs*, a publication of the North Carolina Academy of Trial Lawyers. This summer, Professor Korzen presented a "Civil Law Update" at the North Carolina Academy of Trial Lawyers Annual Convention. The update covered North Carolina appellate decisions over the past year in the areas of negligence, intentional torts, professional malpractice, and civil procedure.

KATE MEWHINNEY spoke on "Interviewing Older Clients" at the AALS annual meeting, in the

joint session of the Aging and Law Section and Clinical Law Section. She was also recently an invited speaker at the N.C. Guardianship Association's 9th Annual Meeting. Professor Mewhinney wrote an article for the February issue of "Elder Law", the newsletter of the NCBA Elder Law Section, entitled "THE MEDIATOR" — Coming Soon to a Guardianship Case Near You? The article was reprinted in "The Intermediary", the newsletter of the NC Dispute Resolution Commission which certifies and regulates mediators in North Carolina. This summer, she gave a Grand Rounds presentation on "Diminished Mental Capacity: Legal Standards and Recent Developments" to the faculty of the Department of Psychiatry and Behavioral Health at the Wake Forest School of Medicine. She also spoke on "Grappling with the Gray Zone: Creative Legal Tools for Partial Incapacity" at the 29th International Congress on Law and Mental Health in Paris, France. Finally, this summer she collaborated with the Northwest Piedmont Council of Governments and its Area Agency on Aging on presenting some programs for older adults. These programs focused on planning for possible disability and avoiding financial abuse and consumer scams.

ALAN PALMITER's textbook, *Securities Regulation: Examples & Explanations* (3d ed—Aspen), was recently published. It updates earlier editions to cover the tumult in securities regulation over the past few years, with special attention to the Sarbanes-Oxley Act of 2002. Palmiter also finished the supplement to his casebook, *Corporations: Law & Policy* (5th ed—West), including coverage of new approaches to executive compensation. This summer, Palmiter traveled with a delegation of Italian notaries and law professors to the state of Delaware for a series of meetings with officials from the Delaware Secretary of State's Office, as well as Delaware corporate lawyers and law professors, who described the unique role of the state in U.S. corporate law. (In Italy, civil law notaries are responsible for preparing, authenticating and filing company documents related to the organization and operation of Italian business organizations.) Closer to home, Professor Palmiter is a board member for NC LEAP, a statewide initiative established to assist business lawyers interested in providing pro bono transactional services to low-wealth entrepreneurs. He was also appointed, on recommendation of the University Senate, to serve a two-year term as faculty representative to the professional/graduate school committee of the



University's Board of Trustees. In February, he presented the "Business Law Update" at the NC Bar Association's annual meeting of the Business Law Section.

MARIAN PARKER has been appointed to the Depository Library Council to the Public Printer.

WENDY PARKER's manuscript, "Lessons in Losing: Employment Discrimination Litigation in Federal District Courts," was recently accepted for publication in the *Notre Dame Law Review*.

WILSON PARKER was recently re-elected to a second 3-year term on the Board of Directors of the North Carolina Center for Death Penalty Litigation. The Center is the leading resource center for capital defense attorneys in North Carolina and a vital information clearinghouse for the public, media and state government officials.

RALPH PEEPLES has recently published two articles: "Learning to Crawl: The Use of Voluntary Caps on Damages in Medical Malpractice Litigation," published by *Catholic University Law Review* and "Who Are Those Guys? An Empirical Examination of Medical Malpractice Plaintiffs' Attorneys," (co-authored with Catherine Harris of the WFU Department of Sociology), published by *SMU Law Review*.

SUZANNE REYNOLDS has served this year on the North Carolina Bar Association's Women in the Profession Committee. Professor Reynolds chaired this group's long range planning sub-committee which was charged with developing plans to address the status of women lawyers in North Carolina. She also participated in an amicus brief to the North Carolina Supreme Court on behalf of the North Carolina Association of Women Attorneys. The case involved an employment discrimination issue, and the amicus brief argued that a constructive discharge based on a discriminatory hostile work environment could constitute a wrongful discharge without requiring the employee to establish that the employer specifically intended for the employee to quit. Recently, Professor Reynolds was quoted on NPR's *All Things Considered* in a story about a suit that the ACLU filed on behalf of a former sheriff's deputy who lost her job for violating a North Carolina statute prohibiting unmarried couples from living together. She commented on the constitutionality and continued viability of the

statute and the applicability of the US Supreme Court ruling in *Lawrence v. Texas*.

PATRICIA ROBERTS is finishing the 7th edition of the casebook, *Problems and Materials on Decedents' Estates and Trusts* by Scoles, Halbach, Link, and Roberts (Aspen Publications).

TOM ROBERTS wrote an amicus brief for the American Planning Association in *Lingle v. Chevron*, a case recently decided by the U.S. Supreme Court involving an issue of regulatory takings law. He also joined a number of other law professors specializing in land use law in filing an amicus brief in *Kelo v. City of New London*, also recently decided by the U.S. Supreme Court, involving the reach of the Fifth Amendment's public use clause. This spring, he gave a talk on land use cases pending before the Supreme Court at the American Planning Conference in San Francisco, CA.

LINDA ROGERS will make a presentation in September at the 2005 Central States Regional Legal Writing Conference at the Indiana University School of Law entitled "A Client-Centered Approach to Legal Writing: Incorporating Lawyering Skills into the Legal Writing Curriculum".

SIMONE ROSE's article entitled "On Purple Pills, Stem Cell, and Other Market Failures" was recently published as the lead article for the *Howard Law Journal Symposium on Intellectual Property and Social Justice*. She will give a presentation on the article at Howard University later this fall. Professor Rose has also been appointed to the Board of the Delta Fine Arts Center in Winston-Salem.

SIDNEY SHAPIRO recently has had several articles published: "Pragmatic Administration Law," *Issues in Legal Scholarship*, No. 6; "Improving Regulation Through Incremental Adjustment," *U. Kansas Law Review* (with Robert Glicksman); "The APA and the Back-End of Regulation: Procedures for Information Adjudication," *Administrative Law Review* (with Robert Glicksman); "Rethinking Reform of Electrical Markets," *Wake Forest Law Review* (with Joe Tomain); "Government Benefits and the Rule of Law: Toward A Standards-Based Theory of Due Process," *Administrative Law Review* (with Richard Levy). He has also given presentations at a number of professional programs during the spring: Professor Shapiro and other Board Members of the Center for Progressive Regulation (CAP) participated in a

roll-out event for its newest book, *The New Progressive Agenda*, jointly written by several CPR scholars, including Professor Shapiro, at the Center for American Progress in Washington, D.C.; he spoke at a conference on privatization sponsored jointly by the Cardozo Law School and the University of Michigan Law School in Washington, D.C.; he was one of three panelists at a program sponsored by the ABA in Washington on the new guidelines for peer review just issued by the Office of Management and Budget. Professor Shapiro also testified before the Government Reform Subcommittee on Regulatory Affairs on the "Affect of Regulations on Manufacturing." The hearing addressed OMB's recent report entitled "Regulatory Reform of the U.S. Manufacturing Sector." The majority invited John Graham and the National Association of Manufacturers to testify. Professor Shapiro testified at the invitation of the minority.

TOM STEELE has been a leader in the effort to start a Law Office Management section within the American Association of Law Schools. He is the section's chair-elect.

DAVID SHORES' article on "Economic Formalism in Antitrust Decisionmaking" was published in the *Albany Law Review*. The article argues that in its recent antitrust decisions the Supreme Court has relied too heavily on economic theory in determining whether a particular business practice is likely to injure competition.

MARGARET TAYLOR wrote a chapter for the book *Immigration Stories*. The book is part of a series published by Foundation Press, which tells the stories behind the leading cases that students encounter in their law school casebooks. Professor Taylor was selected to write the chapter on the Supreme Court's recent decisions on immigration detention.

GEORGE WALKER was reporter for the Model Family Law Arbitration Act, published March 12 by the American Academy of Matrimonial Lawyers. The AAML voted him "special thanks" for his article, "Arbitrating Family Law Cases by Agreement," published in the *American Academy of Matrimonial Law*. In April, he was a panelist and presented a paper, "Humanitarian Law During Armed Conflicts: What Are the Rules Where Systems of Law Interface and Conflict?," at the Rudolph C. Barnes Sr. Symposium, Religion, Ethics & Armed Conflict Law:

*continued on page 29*



# ROLE MODELS OF CIVILITY:

The Inn of Court at

# WAKE FOREST



**IT'S EASY TO WAX NOSTALGIC** for the good old days, when there was more respect for lawyers and for authority in general, when the bar association was small enough for everybody to know your name. It's harder to actually do something to return to that sense of community.

But the Wake Forest University School of Law — along with members of the bar associations of Forsyth and Guilford counties — has found an increasingly popular way to do just that. In 1990, Dean Robert K. Walsh spurred the founding of one of the first two North Carolina chapters of the American Inns of Court, an organization designed to improve the skills, professionalism and ethics of the bench and bar. The American Inns of Court is one of the fastest-growing legal organizations in the United States, with nearly 25,000 judges and lawyers actively participating and another 50,000 who are alumni of an Inn.

The American Inns of Court movement began in 1980 after then Chief Justice Warren Burger observed the English Inns of Court system on a trip to England with a delegation of American lawyers and judges. Burger was impressed with the civility and high professional standards of the English system and set out to encourage similar practice in the United States. Legal professionals around the country, including Dean Walsh, caught the enthusiasm and have worked to spread the organization. Dean Walsh now serves as a member of the Board of Trustees of the American Inns of Court Foundation.

Five outstanding Wake Forest lawyers — Carlton Tilley ('66, JD '69), Grady Barnhill (JD '58), Bill Davis (JD '66), Fred Crumpler (JD '57) and Dan Fouts (JD '58) — established the Chief Justice Joseph Branch Inn of Court in association with the law school. The founding members, with the exception of Fouts, who passed away in 2003, still plan the programs. The chapter began with 60 members and has since grown to include 150 judges, lawyers and law students. Because of the growing popularity, a Guilford County Inn of Court was chartered in 1996.

"In the old days when you had a small bar, every young lawyer whether they went into a firm or not was adopted by a senior lawyer in the community," Walsh said. "There's not as much of that anymore with the bar growing, and with America growing. It's a question of numbers. That's one reason Wake Forest's law school is better to me in teaching than a law school that has 2,000 law students. The masters of the bench provide great mentors

and role models in professionalism for our students and the young barrister members of the Inn."

The Inn's members are divided into three categories of experience: masters of the bench, barristers, and students. Masters of the bench are judges from federal, state, and district courts or experienced trial lawyers who have demonstrated superior litigation ability and professionalism. They serve as the faculty of the Inn. Barristers are younger attorneys with a few years of litigation experience. The classes of barristers turn over every two years to allow more young lawyers to participate. The students are enrolled in the Wake Forest School of Law.

The Inn meets six times each year for a presentation on a facet of the litigation process — particularly issues of ethics and professionalism — followed by a dinner that gives participants a chance to discuss what they've heard. The programs have included such topics as the ethics of preparing witnesses, a day in the life of a criminal defense attorney, how firms use technology to present cases in court, understanding how best to asso-

ciate outside counsel, the benefits of mediation, and the dynamics of settlement negotiation.

One of Walsh's favorite topics is civility. "Burn-the-bridges kinds of lawyers are not ultimately professional or effective," he said. "You can be a staunch advocate and still be civil to attorneys and parties on the other side."

Founding member Davis also appreciates the focus on promoting civility and professionalism. "The way you

see lawyers on TV, you could get the impression you've got to be aggressive and accusatory," Davis said. "The point is, some people might adopt that style but you can be just as

good and still be civil and respectful. We appreciate the opportunity to say to those lawyers younger than us — and to ourselves — that you don't have to be a scorched-earth type of litigator to be a good lawyer. You don't always have to be on the attack."

For Davis, the most memorable program was given by attorneys for Darryl Hunt, who was exonerated of murder charges in 2004 after spending 18 years in prison. "The thing that was more striking than anything was the fact that Mark Rabil, the local lawyer who represented Darryl Hunt, stuck with that case for 18 years," Davis said. "That was an inspiring thing to



**"THE MASTERS OF THE BENCH PROVIDE GREAT MENTORS AND ROLE MODELS IN PROFESSIONALISM FOR OUR STUDENTS AND THE YOUNG BARRISTER MEMBERS OF THE INN."**



say that he stuck with it and stuck with it and stuck with it. That in itself is a lesson to a lot of these young lawyers to see somebody who, on behalf of a client, wouldn't give up."

The local Inn has a custom called "the rule" in which one judge and one master of the bench sit with two barristers and two students at dinner. The participants are asked to sit with different people each meeting and to try to sit with people they do not otherwise see regularly.

Founding member Barnhill said the program provides a unique opportunity for students, judges and lawyers of all experience levels to converse in an informal setting. "The students gain valuable insights into the 'real world' law practice," Barnhill said. "The judges and lawyers have an opportunity to contribute to the development of future generations of trial lawyers. Face time with the judiciary and face time with other members of the legal profession benefits everybody sitting at the table."

It might seem that it would be difficult after 15 years to continue finding topics that interest people who have such a varying level of experience, but Barnhill said that trial judges and lawyers find virtually every aspect of trial practice interesting. "So we select topics which we judge will be helpful, in the actual practice of law, to law students and young lawyers," he said. "The reality is that all the older lawyers benefit from the programs."

But the greatest benefit Barnhill sees for the older lawyers is the opportunity to pass on the values and customs of the profession to the next generations of lawyers. "For all of us who have faced the

travails of being a law student, there is significant gratification in the opportunity to assist the students and young lawyers by answering questions and offering encouragement," Barnhill said.

The students certainly appreciate that encouragement. Yemi Adegbomire ('00, JD '05) participated in the Inn for two of her three years of law school. She said the chapter helps law students learn "unspoken things about the civility of the profession" and provides them with a unique opportunity to mingle with practicing attorneys and judges.

"In class we talk about how you have to be civil to each other and keep working with each other as attorneys. I never quite understood how that worked practically," Adegbomire. "But you would see attorneys who had been sparring earlier that day in court or who were on opposite sides of a longer case all enjoy-

ing a cocktail together, laughing and talking. They wouldn't be talking about the case, but about each other's kids and their lives and what community boards they

**"THE GREATEST BENEFIT . . . IS  
THE OPPORTUNITY TO PASS ON THE VALUES  
AND CUSTOMS OF THE PROFESSION TO THE  
NEXT GENERATIONS OF LAWYERS."**

were on. They are truly citizens of the profession. It was just good to see that in practice, and to see how one can relate to a judge and be friends with a judge and still show respect for that judge's position in a way that isn't cheesy."

The presentation for a recent meeting included several judges from the Fourth Circuit Court of Appeals discussing how different levels of court examine a problem and choose cases. "I'm an esoteric kind of thinker, and it just felt so good to reconnect to that," Adegbomire said. "That's the meeting that sealed the deal for me, particularly as a graduating 3L. I walked away saying maybe I do want to think about being a judge. It's important to walk away still feeling that sense of optimism that you had when you started law school."

The student members also get a sense that they are contributing to the professional members, Adegbomire said. "They'll talk to us at dinner about our perspective on a given topic, and I think that helps keep them fresh and grounded as would any opportunity to talk with someone who is just getting acclimated to what you've been doing for a long time," she said. "That new perspective can tease out a nuance that you had stopped thinking about."

Another benefit is seeing first-hand the level of professionalism in North Carolina, Adegbomire said. "The public may really have it wrong. Lawyers are much more concerned about ethics than they think; we are a self-regulating profession," she said.



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"If there is an ethical violation, every attorney has the obligation to report that to the bar association if they are aware of it. At least the way the lawyers I've met here conduct themselves, they are very concerned about steering clear of any ethical violation."

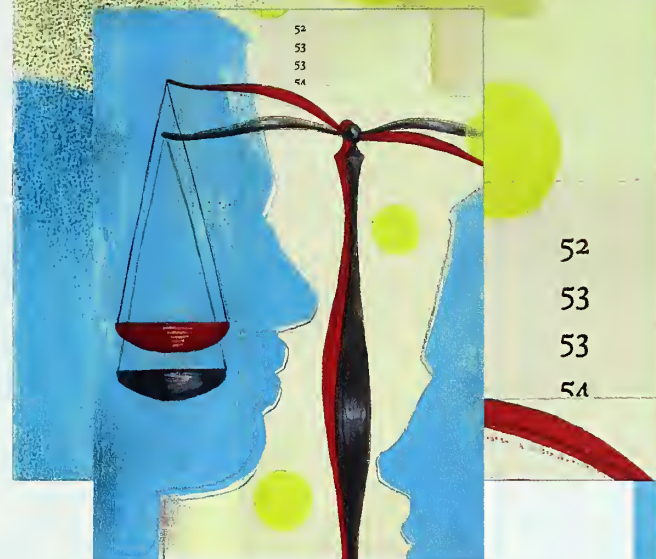
Don Pocock ('97, JD '00), an associate with the Winston-Salem firm Pharr & Boynton, has participated as both a student member and a barrister. "It's a good opportunity for students in particular to get to see what the people they're going to work for are like. That's really their best opportunity to mix and mingle," Pocock said. "The opportunity to meet the senior members of the bar, people with experience in different fields, is the overriding motivation both for the students and for the younger members."

Pocock, whose construction law specialty sends him outside Winston-Salem for much of his work, said the Inn has given him a chance to meet lawyers and judges in town. "Our judges in Winston-Salem and Greensboro are all very professional, very competent, very skilled. They don't allow personal relationships to affect their judgment in the course of their duties, but it is helpful in terms of feeling comfortable in court with each other. When it comes to things that are outside of the ordinary, the ability to cooperate with each other is much better if you have a personal relationship. It doesn't mean that the outcome will be any different, but it might mean the scheduling will be easier."

Because construction law is its own universe, Pocock said, it's very helpful to get broader exposure to legal issues through the presentations at the Inn of Court meetings. Pocock has found presentations by judges to be particularly helpful. "Getting a judge's perspective on what it's like to be a judge and understanding how they resolve conflicts is always interesting," Pocock said. "It's helpful because you don't always know what's appropriate to ask, especially when you're in the midst of a hearing, but if you can hear it in an environment that's purely educational, then you can get the answers without having to worry about crossing any lines."

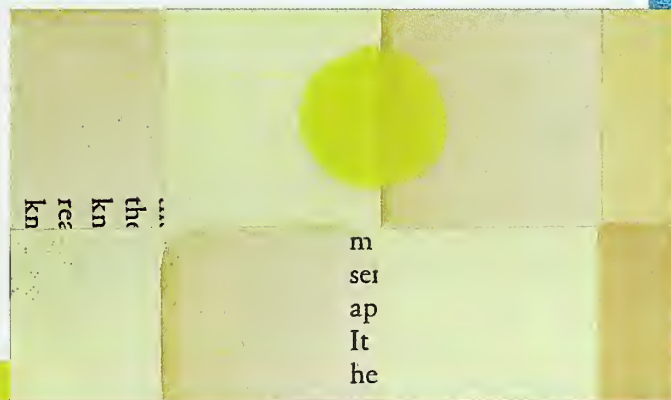
Young lawyers in particular may not be sure how certain judges operate and what they expect. "Some judges want to hear everything you have to say; some judges want you to stay standing for as little time as possible," Pocock said. "There really are different personalities of how to run a courtroom so you can't assume that just because something works in one courtroom that it's going to work somewhere else. It's helpful to understand the personalities of the judges so you can advise your clients. There's no better way than these meetings — other than having done multiple things in front of a judge — to really get those questions answered."

From a judge's perspective, it's beneficial to spend time with bright young lawyers and students who are still at a very ide-



alistic stage, said founding member Tilley, who is a U.S. District judge in Greensboro. "The people who have been involved in this as masters over a period of time value what it is that we think has made our profession special. We want to see that it remains special or perhaps recapture some of what has been lost that made it special," Tilley said. "We'd like to pass it along to others in as good shape as it was when we got there. We try to share those values that have made it a profession as opposed to just a trade."

Barnhill agrees that the Inn of Court is well worth the effort. "I became involved in the Inn of Court at Dean Walsh's request," Barnhill said. "My initial hesitancy to join yet another professional organization was soon replaced by enthusiasm and appreciation for the opportunity to work for the advancement of one of the most worthwhile professional organizations of which I am aware." △△



# gifts *with* powers *of* attorney



are we *giving the public* what it wants?

**T**HE WORD “GIFT” CONJURES UP A SURPRISE IN WRAPPING PAPER AND RIBBON. UNFORTUNATELY, WHEN IT COMES TO GIFTS UNDER A POWER OF ATTORNEY, OFTEN THE UNHAPPY SURPRISE IS THAT THE GIFT THAT IS NEEDED CANNOT BE GIVEN.



Gift-giving by agents under a power of attorney is important in the context of the federal/state program known as Medicaid, which pays for half of all nursing home care. Gifts or transfers by nursing home residents can only be made by competent people or their properly authorized agents. In addition to “Medicaid planning” to preserve their assets, nursing home residents are legally permitted to provide for certain people, such as a spouse or disabled child.

Powers of attorney often fail for one of two reasons. The person signed a statutory “short form” power of attorney with limited or no gifting authority. Or he or she used an attorney-drafted document that negates the utility of the gift power. Too many attorneys include “gifting” provisions that are suitable for the Mercedes owner, when the client is still paying off a Chevy. In either case, the problem is only discovered when the principal is no longer competent — and thus unable to cure the problem by executing a new document.<sup>1</sup>

The first problem can be resolved by an amendment to the North Carolina statutory power of attorney that broadens the powers in the widely used form. The second is not so easily solved, but the beginning point is increasing the knowledge level of lawyers who do powers of attorney so that they appreciate the importance of gifting for government benefit programs.

The problem typically arises when the client goes to a lawyer for a will, and learns about the benefits of a power of attorney for possible incapacity. This is most obviously useful for the older client becoming reliant on relatives. The power of attorney allows another person, the agent or attorney-in-fact, to make financial decisions for the client, the principal. The agent is a fiduciary and can only act for the principal's benefit.

Giving away the principal's property, especially to the agent himself, is a breach of fiduciary duty unless specifically authorized. In most states, the principal may allow gift-giving by simply adding that power. Such “gifting” powers have long been standard elements in the documents drafted for the well-to-do to enable them to preserve wealth for the next generation by avoiding federal estate tax. But the gift-giving powers used by the wealthy — the “Mercedes” version — are often inappropriate for lower- and middle-class clients.

Moreover, transferring real estate by a power of attorney lacking appropriate gifting authority can be a trap. The transferee does not get good title, so that the buyer cannot get title insurance. Like the inadequate power of attorney itself, the problem becomes apparent when it is far too late to cure.

North Carolina's elder law practitioners are beginning to study how the short form could be amended to offer gifting options that better fit the financial demands that families encounter. Also, we are getting the word out to practitioners that the gifting power drafted for the wealthy client might not accomplish the goals of their other estate planning clients.

### THE SHORT FORM POWER OF ATTORNEY — *Short But Not Sweet*

North Carolina is one of seventeen states that provide for an optional statutory power of attorney, known as “the short form.” The short form's extremely limited gift authority often precludes families from preserving property when the principal needs nursing home care.

Who uses it? Often, it is the attorney who does not do high-end estate planning. Or the form is used without a lawyer and is obtained from the Internet or computer software.

The person executing a statutory short form power of attorney indicates by initializing options which powers she wants to give the agent.<sup>2</sup> These can include real estate transactions, banking, and other familiar categories.

The gifting options in the short form permit:

(14) Gifts to charities, and to individuals other than the attorney-in-fact

(15) Gifts to the named attorney-in-fact.

Putting aside whether non-lawyers understand “gifts to the named attorney-in-fact,” they surely do not realize that the power in the form is limited by statute to gifts “... in accordance with the principal's personal history of making or joining in the making of lifetime gifts.”<sup>3</sup> It is hard to imagine the client who has a history of giving away his or her home or an interest in the home, or other significant assets. But such gifts are exactly the option that competent people often select when faced with the enormous costs of nursing home care. For the client who has lost competence, though, it is too late to execute a new power of attorney.

For many clients, the attorney's failure to offer a broader “gifting power” may be costly. One option is this provision: “I authorize my agent to transfer my property for the purpose of qualifying me for governmental medical assistance.” The provision can be enhanced by specifying to whom property transfers can be made and in what shares.

<sup>1</sup> The author thanks Karen W. Neely for research when she was a student in *The Elder Law Clinic*, and elder law attorney Ron M. Landsman, of Rockville, Maryland, for critiquing a first draft.

<sup>2</sup> A colleague describes seeing an attorney-prepared short form on which not a single power had been initialed, so the document accomplished nothing for the client!

<sup>3</sup> N.C.G.S. § 32A-2 (15).



## NURSING HOME CARE...or "What the Client Least Wants to Talk About"

Nursing homes are an unappealing topic. But given the odds of needing care and the limited resources of most people to pay, clients executing powers of attorney should consider how they want the agent to proceed if nursing home care becomes necessary. The client might well direct that all of her resources be used to pay for her care, until depleted, to pay for her care. No gifting power would be needed. But for the client who prefers to pass something to his family, an appropriate gifting power is necessary if the power of attorney comes into play.

What are the odds? Most people over sixty will need long-term care for some time. Medicare, contrary to widespread belief, covers very little nursing home care. Most care is paid by private payment (savings or insurance) and about half by Medicaid. Two out of three people who enter nursing homes as private pay residents exhaust their resources within one year and then rely on Medicaid.

Three aspects of Medicaid must be addressed if people are to make an informed choice about allowing gifts to be made with their powers of attorney: strict asset limits, estate recovery, and approval of some asset transfers. The person who obtains the statutory short form needs a form that includes an option for gifts to achieve eligibility for governmental assistance.

First, the asset limits. Consider the widow who has a home, \$50,000 in savings and \$1,000/month income. Medicaid asset limits mandate that all but \$2,000 of the savings must be spent before Medicaid will begin to pay. In most cases, she is allowed to keep the home.

Second, what must one know about Medicaid's claims against a person's estate, or "estate recovery"? Unlike Medicare or any health insurance you are familiar with, the Medicaid nursing home program essentially runs a tab on each recipient. With few exceptions, the State demands to be repaid. After a year on Medicaid, in our example the estate recovery claim would be about \$42,000 and after two years \$84,000. Soon there is no house or other asset left in the estate. This part of the equation can make the most artfully drafted will merely a futile gesture.

Third, federal Medicaid law allows families to protect some assets by transferring them. In particular, it permits transfers to a spouse or a disabled child. A home may be transferred to a caregiver adult child or a sibling co-owner. Any asset may be transferred to a trust for the benefit of any disabled person under age 65.

An important and common reason to include a gifting power is to provide for one's spouse. To protect the healthy spouse from impoverishment, federal law permits a "resource allowance." If the couple's assets are in the name of the incapacitated spouse, the "resource allowance" must be re-titled to the healthy spouse. This can best be accomplished using a power of attorney with a gifting power.

Without a broad gifting power, the family can seek guardianship. Court supervision and permission for asset transfers is required. Another option, not limited to married couples, is a special proceeding for approval to add a gifting power. Both of these procedures cost money and take time. It is a lot to ask of families who are already under tremendous stress.

## GIFT AND ESTATE TAX CONSIDERATIONS *Are Only One Factor*

The second problem with the gifting powers found in many powers of attorney is that they are written for the Mercedes owner when the client drives a Chevy. Federal estate and gift tax considerations should not dictate the scope of a gifting provision for such clients. In any event, they need to be balanced against the issue of Medicaid.

Many powers of attorney limit the agent to making annual exclusion gifts. These are gifts to individuals up to \$11,000 per spouse per person per year, which are excluded from the federal gift tax. This amount is not sufficient to fund the "resource allowance" for a spouse or to transfer a home to a disabled child.

Second, some attorneys are concerned that overly broad gifting powers will expose clients to federal estate taxes by creating a general power of appointment.<sup>4</sup> This would cause the principal's estate to be included in the agent's taxable estate if he predeceases the principal.<sup>5</sup> The problem, not widespread, is avoided by requiring written concurrence for gifts to be given by someone other than the agent, typically one of the principal's other adult children or by a "special agent."

## ETHICAL AND POLICY ISSUES *Large and Small*

Gifting powers raise big issues — from the micro-climate of the attorney-client relationship on up to the level of distributive justice and social needs.

For practitioners, our goal is to provide an atmosphere that allows the client to make free choices regarding the gifting power. We ask whether

<sup>4</sup> IRC § 2041.

<sup>5</sup> In many elder law cases, gift and estate taxation will not be relevant since the assets of both the principal and the agent are less than the exemption equivalent of the unified credit. Andrew H. Hook, "Durable Powers of Attorney: They Are Not Forms!" National Academy of Elder Law Attorneys' Symposium 2000, pp 1-51, 13.

However, some argue that an unlimited gifting power does not risk creating a general power of appointment because the creator of the power must join in making the gift, at least by failing to revoke the power. See V. Tate Davis, "Basics of Elder Law," *Potpourri for the GP (NCBF CLE)*, 4/29/05, fn. 50.

<sup>6</sup> An N.C. State Bar ethics opinion provides that lawyers may not prepare a power of attorney for the benefit of the principal at the request of another individual or third-party payer without consulting with, exercising independent professional judgment on behalf of, and obtaining consent from the principal. 2003 FEO-7. Another tool for attorneys is a recent ABA brochure, "Understanding the Four C's of Elder Law Ethics." [www.abanet.org/aging/lawyer-relationship.pdf](http://www.abanet.org/aging/lawyer-relationship.pdf)

<sup>7</sup> Timothy Takacs and David McGuffey, "Revisiting the Ethics of Medicaid Planning," *NAELA Quarterly*, Summer 2004, pp. 29-37, 33.

the older person is being pressured to protect assets for their family. Careful practitioners assess the family dynamics, meeting privately with the older client to elicit her goals.<sup>6</sup> Some attorneys will not accept payment of fees from the client's adult children, although the rules allow this. Procuring the document or taking the lead in client meetings to control the client are indicia of undue influence.

A broad gifting power may open the door to exploitation, especially of marginally competent older clients.<sup>7</sup> Mandatory disclosure language on the form would address this to some extent. Also, if the gifting language is free of jargon, people will better understand the import of the power being granted.

Another concern for the practitioner is that a broad gifting power allows an agent to frustrate the principal's testamentary goals by divesting assets differently. There are solutions. One is to draft the gifting provision to require gifts in accordance with the principal's will or with intestacy laws. Another is to require consent of all adult children to major gifts.

Some will oppose broader gifting options because they feel that Medicaid planning itself is against sound public policy, whether by a competent person or by his agent. They make two arguments.

First, they argue that assisting clients in becoming Medicaid eligible is unethical. A program intended for the poor, they contend, is being manipulated so that the middle class can shift their responsibilities to the public. Elder law attorneys would respond that we have the duty to present legal options. Certainly tax lawyers would not withhold advice from their clients to keep the federal deficit from growing. In any event, most attorneys find that they are assisting families with modest means to avoid the rapid impoverishment that results from a \$60,000 annual nursing home bill.<sup>8</sup>

A similar argument is that gifting in powers of attorney to obtain governmental benefits undercuts personal responsibility and planning. Of course, that is true of all insurance, private as well as public. But most long term care is being provided free by family members, strong evidence that personal responsibility and ethics are alive and well. And increasing numbers of people are planning ahead by purchasing long-term care insurance, though it is too expensive for many people.<sup>9</sup> While a comprehensive discussion with the client should include mention of the insurance option, this product is extremely difficult to assess. Moreover, those with chronic health problems are told that they need not apply.

Rather than question the ethics of Medicaid estate planning, perhaps we should ask whether our country's health care system itself is ethical or even logical.<sup>10</sup> Medicare covers expensive surgery, but not the devastating costs of chronic illnesses and strokes. Are these priorities in line with our moral values? Should we be looking at ways to ethically spread the tremendous burdens of caring for the disabled elderly? The desire to leave a legacy to one's children and grandchildren is a universal desire, not limited to the wealthy.



## PROPOSED Changes

The North Carolina short form power of attorney is overdue for changes to better serve the public's needs. An option for gifts to obtain governmental assistance should be considered. And the estate and gift tax restrictions that apply to the few should not be thoughtlessly included in the powers of attorney of the vast majority of people. These changes would be two welcome gifts for the public. ♠

Kate Mewhinney is the Clinical Professor and Managing Attorney for The Elder Law Clinic

8 Ellen O'Brien, "Issue Brief: Medicaid's coverage of nursing home costs: Asset shelter for the wealthy or essential safety net?" Georgetown University Health Policy Institute, Long-Term Care Financing Project, May 2005; "Long-Term Care Financing: Growing Demand and Cost of Services Are Straining Federal and State Budgets," U.S. GAO, 4/27/05, GAO-05-0564T, p. 7. Charles P. Sabatino, "Debunking the Myths of Medicaid," *Legal Times*, 1/26/04, p. 25.

9 Fifteen percent or less of middle-aged or elderly persons in North Carolina might conceivably purchase long-term care insurance, based on wealth and income levels necessary to afford such a policy. Donald H. Taylor, Jr., Ph.D.; "Alzheimer's Disease and the Family Caregiver: The Cost and Who Pays?" *N.C. Med J.*, Jan./Feb. 2005, Vol. 66, No. 1, 18-24, 24.

10 Germany and Japan have universal long-term care insurance. Taylor, *supra* note 9 at 22; "International Approaches to Long-Term Care Financing and Delivery." *Global Report on Aging (AARP)*, Winter 2004, pp.5.



## ALUMNI NOTES

1953

EDGAR D. "ED" CHRISTMAN ('50, JD '53), retired Wake Forest chaplain, was the first recipient of the Wake Forest Divinity School Distinguished Service Award in March.

1956

FRANK P. MEADOWS JR. (JD '56) is in tax law with Poyner & Spruill LLP in Rocky Mount, NC. He has been selected by Woodward/White Inc. as one of "The Best Lawyers in America" for 2005-06.

1957

WILLIS EVERETTE "DOC" MURPHREY III ('52, JD '57) received Wake Forest's highest award for service, the Medallion of Merit, at Founders' Day Convocation in February.

1961

HENRY A. MITCHELL JR. (JD '61) is with Smith Anderson Blount Dorsett Mitchell & Jernigan in Raleigh, NC. He was recognized as "Volunteer of the Month" by *North Carolina* magazine for his 20 years of service to North Carolina Citizens for Business and Industry.

1964

DOUGLAS P. CONNOR (JD '64), an attorney in Mount Olive, NC, lost his wife of nearly 45 years, Miranda, on Aug. 28, 2003. He still has a Miranda in his life: his nine-year-old granddaughter.

1966

JAMES T. WILLIAMS JR. ('62, JD '66), with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, has been included in Woodward/White Inc.'s 2005-06 "Best Lawyers in America." He was also recognized as one of Business North Carolina's "Legal Elite" in litigation law and named a member of the Legal Elite Hall of Fame.



James T. Williams

1967

M. DAN MCGINN ('64, JD '67), with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, has been included in Woodward/White Inc.'s 2005-06 "Best Lawyers in America." He was also recognized as one of Business North Carolina's "Legal Elite" in employment law.



M. Dan McGinn

DAVID M. ZACKS ('64, JD '67) is in alternative dispute resolution, health care law, and personal injury litigation with Kilpatrick Stockton LLP in Atlanta. He has been recognized by "The Best Lawyers in America" for 2005-06.

1970

JOHN ELAM CARRIKER ('67, JD '70) retired after 32 years in the District Attorney's Office in New Hanover and Pender counties. He and his wife, Pat Carnes Carriker ('68), live in Alleghany County, NC, and enjoy being close enough to attend Wake Forest basketball games.

MALCOLM J. HOWARD (JD '70) has been appointed by the Chief Justice of the U.S. Supreme Court to the Foreign Intelligence Surveillance Court, commonly referred to as America's Secret Court because the work is classified and secret. He will continue his duties as a federal district judge for the Eastern District of North Carolina.

1971

M. JAY DEVANEY ('69, JD '71) practices commercial real estate transactions and litigation with Nexsen Pruet Adams Kleemeier PLLC in Greensboro, NC. He has been named one of Business North Carolina's "Legal Elite" for 2005.



M. Jay DeVaney

ERNIE SIMONS ('67, JD '71) is with Smith Anderson Blount Dorsett Mitchell & Jernigan LLP in Raleigh, NC. His daughter, Maggie, is a sophomore at Wake Forest.



**DONALD M. VONCANNON** ('67, JD '71) practices commercial real estate with Allman Spry Leggett & Crumpler PA in Winston-Salem. He was elected managing director of the firm and named one of Business North Carolina's "Legal Elite" for 2005.

## 1972

**CARL W. HIBBERT** ('70, JD '72) specializes in trusts and estates with Kilpatrick Stockton LLP in Raleigh, NC. He has been recognized as one of "The Best Lawyers in America" for 2005-06.

**HOWARD L. WILLIAMS** (JD '72), with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, has been included in Woodward/White Inc.'s 2005-06 "Best Lawyers in America."



Howard L. Williams

## 1973

**CHARLES R. "CHIP" DASHIELL JR.** ('70, JD '73), an attorney with Hearne & Bailey PA in Salisbury, MD, was honored by Wesley College in Dover, DE, for his service and contributions. The most prominent area of the campus, the amphitheatre, was named the Charles R. Dashiell Jr. Amphitheatre.

**WALT JENNETTE** (JD '73) is director of planned giving for UNC-TV in Raleigh, NC.

**JACK PINNIX** (JD '73) was the editor-in-chief of "Ethics in a Brave New World: Professional Responsibility, Personal Accountability, and Risk Management for Immigration Practitioners," which was distributed by The American Immigration Law Association to all its members.

## 1974

**ROGER T. HALEY** (JD '74) is municipal court judge of Hopewell Township, Mercer County, New Jersey, and the neighboring Ewing Township. His son, Eamonn ('02), is a business graduate, and his daughter, Alison ('06), is a junior.

**THOMAS S. WHITAKER** (JD '74) is chief of staff for the Employment Security Commission of North Carolina. He has been named a member of the board of directors of the National Association of State Workforce Agencies (NASWA).



Thomas S. Whitaker

## 1975

**WILLIAM S. "BILL" CHERRY JR.** (JD '75) is in real estate law with Poyner & Spruill LLP in Raleigh, NC. He has been selected by Woodward/White Inc. as one of "The Best Lawyers in America" for 2005-06.

**ANN S. FULTON** ('72, JD '75) retired as chairman after 28 years with the North Carolina Alcoholic Beverage Control Commission.

**ROBERT F. "BUD" SILER** (JD '75) is the 2004-05 president of the North Carolina State Bar. He and his wife, Theresa, live in Franklin, NC, where he practices law with Coward Hicks & Siler PA.

## 1976

**CATHARINE BIGGS ARROWOOD** ('73, JD '76), with Parker Poe Adams & Bernstein LLP in Raleigh, NC, is on the board of directors for the Triangle YWCA.



Catherine Biggs Arrowood

**DANIEL R. TAYLOR JR.** (JD '76) is in business litigation with Kilpatrick Stockton LLP in Winston-Salem. He has been recognized as one of "The Best Lawyers in America" for 2005-06.



Brad Wilson

## 1977

**JOHN E. NOBLES JR.** (JD '77) has practiced law for 27 years, served as chairman of the General Practice Section of the State Bar Association, president of the Carteret County Bar Association and president of Judicial District II B Bar Association. He was sworn in as resident Superior Court Judge for Judicial District III B, Carteret, Craven and Pamlico counties.



John E. Nobles Jr.

## 1978

**GEORGE BEDSWORTH** (JD '78) was sworn in as a Forsyth County District Court Judge in March. A longtime attorney in Winston-Salem, he was appointed by N.C. Governor Mike Easley.

**DAVID J. BODLE** (JD '78) is a partner with Hackman Hulett & Cracraft LLP in Indianapolis, IN.

**DAVID C. BOGGS** (JD '78) is a partner with Wishart Norris Henniger & Pittman in Charlotte, NC. They were featured in the *Charlotte Business Journal* for their small-business perspective.

**BRAD WILSON** (JD '78) is executive vice president, chief administrative officer and corporate secretary of Blue Cross Blue Shield of North Carolina. He and his wife, Carole, live in Cary, NC. Their son, Alex, is a Wake Forest sophomore.

## 1979

DOUG ABRAMS ('76, JD '79) and his wife, Peggy ('76, JD '80), have four sons: Noah ('05) is breaking tradition and attending the University of Georgia Law School; Elliott is at the University of North Carolina at Chapel Hill; and Zachary and Sam attend middle school in Raleigh, NC.

R. STEWART BARROLL (JD '79), a partner with Cookerly & Barroll LLC in Chestertown, MD, was recently commissioned a major in the Maryland Defense Force.

J. ANTHONY "ANDY" PENRY ('76, JD '79), with Taylor Penry Rash & Riemann PLLC in Raleigh, NC, is one of Business North Carolina's "Legal Elite" in the field of construction law.

## 1981

TERRI L. GARDNER ('78, JD '81), with Poyner & Spruill LLP in Raleigh, NC, has been recertified in business bankruptcy law.



Terri L. Gardner

CRAIG B. WHEATON (JD '81) is in employee benefits law with Kilpatrick Stockton LLP in Raleigh, NC. He has been recognized as one of "The Best Lawyers in America" for 2005-06.

## 1982

J. SCOT KIRKPATRICK (JD '82) celebrated 15 years at Chamberlain Hrdlicka White Williams & Martin in Atlanta, GA. He is head of the estate planning group.

CHRISTINE L. MYATT ('79, JD '82) practices bankruptcy and creditor rights with Nexsen Pruet Adams Kleemeier PLLC in Greensboro, NC. She has been named one of Business North Carolina's "Legal Elite" for 2005.



Christine L. Myatt

## 1983

JAMES H. "CHIP" BURRUS ('79, JD '83) is deputy assistant director of the Federal Bureau of Investigation's Criminal Division. He oversees investigations involving public corruption, civil rights, traditional violent crimes, and corporate fraud.

## 1984

STEVE BERLIN ('81, JD '84) has been elected to serve on the executive committee of Kilpatrick Stockton LLP. He heads the firm's Environmental Practice Group in Winston-Salem and has been recognized as one of "The Best Lawyers in America" for 2005-06.

BRIAN GALLAGHER (JD '84) is vice president of regulatory compliance with Rite Aid Corporation in Camp Hill, PA.

JIM W. PHILLIPS JR. (JD '84), a partner with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, was recognized as one of Business North Carolina's "Legal Elite" in litigation law. He has been re-elected by the North Carolina Senate to serve as a member of the UNC Board of Governors.



Jim W. Phillips Jr.

DAVID A. SENTER ('81, JD '84) practices construction law and civil litigation with Nexsen Pruet Adams Kleemeier PLLC in Greensboro, NC. He has been named one of Business North Carolina's "Legal Elite" for 2005.



David A. Senter

DAVID C. SMITH ('81, JD '84) is in business litigation with Kilpatrick Stockton LLP in Winston-Salem. He has been recognized as one of "The Best Lawyers in America" for 2005-06.

DAVID M. WARREN ('81, JD '84) practices bankruptcy and creditor's rights and commercial law with Poyner & Spruill LLP in Rocky Mount, NC. He has been reappointed chair of the Local Rules Committee by the U.S. Bankruptcy Court, Eastern District of North Carolina.



David M. Warren

## 1985

C. DANIEL BARRETT ('81, JD '85) started the Barrett Law Firm in Winston-Salem, focusing on local government, employment and labor law issues. In his 2004 bid for governor, he walked across North Carolina (582 miles). He lives in Davie County with his wife, Kathleen Anderson Barrett (JD '91), and their two children, Daniel (12) and Rebekah (7).

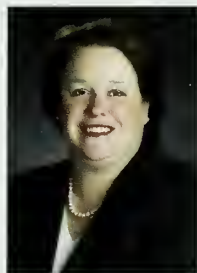


C. Daniel Barrett

JOHN H. BENNETT ('82, JD '85) is a captain in the Judge Advocate General's Corps, U.S. Naval Reserve. In civilian life, he is an assistant U.S. attorney for the Eastern District of North Carolina in Greenville. He has been named a reserve trial judge for the U.S. Navy-Marine Corps Trial Judiciary.



**NANCY BORDERS PASCHALL** ('82, JD '85) is with Mullen Holland & Cooper PA in Gastonia, NC. She is chairman of the Board of Directors for the Gaston Chamber of Commerce.



Nancy Borders Paschall

1986

**J. NICHOLAS "NICK" ELLIS** (JD '86) is in business litigation with Poyner & Spruill LLP in Rocky Mount, NC. He has been selected by Woodward/White Inc. as one of "The Best Lawyers in America" for 2005-06.

1987

**MICHAEL S. ADKINS** (JD '87) has merged his law firm with Klutz Reamer Hayes Randolph & Adkins LLP, in Salisbury, NC.

1988

**JEFFREY W. MELCHER** (JD '88) is with Adorno & Yoss LLC in Atlanta, GA.



Tony Griffin

**GUY STRANDEMO** (JD '88) is a foreign-service officer in the public affairs section of the U.S. Embassy in Beijing, China. He and his wife, Kimberly, have three children: Thomas (11), Madeline (9) and Sarah (6). They are expecting another child in August. He won three golf tournaments last year in the Beijing-Tianjin area: the China World Cup, the TEDA Cup and the Tianjin Fujitsu Open. His next assignment will be two years in Doha, Qatar, as an economic officer.

1989

**TOMI WHITE BRYAN** (JD '89), of Greensboro, NC, completed her PhD in management in January. She published "Staying Power: Work-Life Balance Initiatives for Retaining Young Lawyers" for the North Carolina Young Lawyers Division of the Lawyer Effectiveness and Quality of Life Committee.

1990

**TONY GRIFFIN** (JD '90), co-owner and chief financial officer for Griffin Masonry Inc. in Charlotte, NC, is on the First Citizens Bank Mecklenburg County Board of Directors.

1992

**D. BETH LANGLEY** ('86, JD '92) practices labor and employment law with Nexsen Pruet Adams Kleemeier PLLC in Greensboro and Charlotte, NC. She has been named one of Business North Carolina's 2005 "Legal Elite."



Beth Langley

**AFSCHINEH LATIFI** (JD '92) is with Tucker & Latifi LLP in New York. She has published a memoir, *Even After All This Time*, about her life as a young Iranian girl witnessing the horror of her father's execution and escaping the revolution with her sister.

**TIM WELSH** (JD '92) is corporate counsel for ASG Software Solutions in Naples, FL. They provide professional services and software solutions for security, applications, operations, information, performance and infrastructure management.

1993

**LISA M. ANGEL** (JD '93) received a three-month sabbatical from her employer, Rosen Divorce in Raleigh, NC. She traveled around Asia and lived the life of a Buddhist monk, visiting Cambodia, Thailand, Vietnam and China.

**PATRICK W. BAKER** ('89, JD '93) was assistant city attorney for the Durham city government for seven years. He has been appointed city manager for the City of Durham, NC.



Patrick W. Baker

**KEITH BURNS** (JD '93), of Morris Manning & Martin LLP, has been chosen to open their newest North Carolina office in the Raleigh/Durham, Research Triangle Park area.

**ROBERT M. COOK II** (JD '93) has a private practice in workers' compensation, general civil litigation and appeals in Batesburg-Leesville, SC.

**MARTIN J. GOTTHOLM** (JD '93) is on a brief hiatus from practicing law with his activated U.S. Army National Guard unit. He is a UH-60 Blackhawk helicopter pilot in Iraq. He would love to hear from classmates at [Martin.J.Gottholm@us.army.mil](mailto:Martin.J.Gottholm@us.army.mil).

## 2003 WAKE LAW GRADUATES TO WALK 60 MILES IN ATLANTA BREAST CANCER 3-DAY

A team of four Wake Forest University School of Law graduates, KRISTEN HARRIS of Winston-Salem, North Carolina, AMANDA KELLEY of Chattanooga, Tennessee, KATE MCNULTY Stricker of Atlanta, Georgia and GINGER BAILEY of Charlotte, North Carolina, will join thousands of other dedicated women and men at the Atlanta Breast Cancer 3-Day benefiting the Susan G. Komen Breast Cancer Foundation and the National Philanthropic Trust Breast Cancer Fund. These four Wake alumni, collectively known as the Babes for Breasts, will walk 60 miles each during three days to raise breast cancer awareness and to raise money for critical research and community outreach programs.

The Wake Forest team sees this as an opportunity to step outside their daily practice of law and celebrate breast cancer survivorship, honor those who lost their lives to the disease, and collectively, have an enormous impact on funding for breast cancer programs. The Komen Foundation and the National Philanthropic Trust Breast Cancer Fund estimate that the Breast Cancer 3-Day events raised more than \$20 million (net) in 2003 and 2004 alone to fund critical breast cancer research, education and community outreach programs.

The Breast Cancer 3-Day in Atlanta will start on Friday, September 30, 2005 and end Sunday, October 2, 2005. The walkers will cover about 20 miles a day, traveling at their own pace. In order to participate, each member of the team must train for the event and must commit to raising a minimum of \$2,100.

If you would like to support the Wake Forest team, please contact Ginger Bailey at [gbailey@kilpatrickstockton.com](mailto:gbailey@kilpatrickstockton.com). Go Babes!

## 1994

SHELIA J. COX (JD '94) has become licensed in Georgia. She is practicing commercial real estate and financial services at Poyner & Spruill LLP in Charlotte, NC.



Shelia J. Cox

WILLIAM R. DERASMO (JD '94) is a partner with Troutman Sanders LLP in Washington, D.C. He has traveled to Romania twice in the past year providing presentations on electric industry restructuring and privatization as part of USAID-funded programs.

JOSEPH E. "JOE" ZESZOTARSKI JR. (JD '94) is in criminal defense with Poyner & Spruill LLP in Raleigh, NC. He has been selected by Woodward/White Inc. as one of "The Best Lawyers in America" for 2005-06.

## 1995

PHILLIP ASBY (JD/MBA '95) is a manager in the employee benefits tax practice group of Deloitte Tax LLP in Charlotte, NC.

MICHAEL KNAPP (JD '95) is a partner in the Charlotte, NC, office of Bradley Arant Rose & White LLP.

## 1996

DANIELLE THOMPSON WILLIAMS (JD/MBA '96), an associate with Kilpatrick Stockton LLP in Winston-Salem, was featured in the "Women in Business" section of the *Triad Business Journal*.



## 1997

**JOSEPH A. "JOE" FERNANDEZ** (JD '97) is a partner, practicing corporate law, with Moore & Van Allen PLLC in Charlotte, NC.

**CHRISTOPHER J. MASONER** (JD '97) is an associate in the real estate department of Blackwell Sanders Peper Martin LLP in Kansas City, MO.



*Christopher J. Masoner*

## 1998

**ABULAZIZ AL-BOSAILY** (LL.M '98) is legal manager of the Saudi Arabian Investment Authority in Riyadh, Saudi Arabia.

**CHRISTOPHER KEVIN BEHM** (JD '98) is a partner with Block Crouch & Keeter LLP in Wilmington, NC.

**COE W. RAMSEY** (JD '98) is a partner with Brooks Pierce McLendon Humphrey & Leonard LLP in Raleigh, NC. He is specializing in communications and media law.



*Coe W. Ramsey*

**RONALD A. SKUFCA** (JD '98) has opened Skufca Law Firm in Charlotte, NC, specializing in civil litigation in the areas of business, construction and family law. He and his wife, Silvia, have two sons, Dane (4) and Alan (1 1/2).

**KEVIN G. WILLIAMS** (JD '98) is a director in the law firm of Bell Davis & Pitt PA in Winston-Salem. He has been with the practice since 1998, concentrating on commercial and banking litigation.

## 1999

**NATARSHA D. NESBITT** (JD '99) is general counsel and director of administration at CareMedic Systems Inc., a software company, in St. Petersburg, FL.

**SARAH LITTLE WETMORE** ('96, JD '99) is practicing civil litigation with Milligan Law Firm in Charleston, SC. Her husband, Burns Wetmore ('96, JD '99) is trial team leader for the Charleston County District Attorney's Office.

## 2000

**FAISAL AL-LAZZAM** (LL.M '00) is manager of the legal department for the Company for Co-operative Insurance in Riyadh, Saudi Arabia, one of the largest insurance companies in the Middle East. He and his wife, Maryam, have a son, Khalid.

**APRIL STEPHENSON CULVER** ('95, JD '00) is vice president of government affairs at Johnston Memorial Hospital in Smithfield, NC.

**KETAN P. SONI** (JD '00) is with Rosen Divorce in Charlotte, NC. His focus is on building the practice and improving the way couples go through divorce. He is a member of the North Carolina and the Mecklenburg County Bar Associations.

**KEITH ZANNI** (JD '00) and his wife, Lisa Zanni (JD '01), have moved to Chesapeake, VA. He is an associate in the commercial litigation group of McGuire Woods LLP.

## 2001

**MARLA DIAZ** (JD '01) has joined the law firm of Tavss Fletcher in Norfolk, VA.



*Marla Diaz*

**GREG HABEEB** ('98, JD '01) is with Gentry Locke Rakes & Moore in Roanoke, VA. He was selected by his peers as a member of the "Virginia Legal Elite" in Virginia Business magazine.

**JOSEPH HAMRICK** (JD '01) is an associate with McAngus Goudelock & Courie LLC in Charlotte, NC.

**MICHAEL P. HEBERT** (JD '01) practices commercial real estate with Moore & Van Allen PLLC in Charlotte, NC.

**EMILY MEYERS MUNN** ('97, JD '01) is staff attorney for the Norfolk (VA) Sheriff's Office, advising staff on employment law, law enforcement policy and procedure and prisoner's rights.

**HOLLIS NICKENS** (JD '01) was stationed in Bahrain as regional prosecutor for the Middle East. She is an assistant staff judge advocate to the superintendent and assistant professor of ethics and law at the U.S. Naval Academy.



*Hollis Nickens*

**WENDELL LESLIE "WES" SCHOLLANDER III** (JD '01) used a write-in campaign and won a seat on the Forsyth County Soil and Water Conservation Board. He lives and practices law in Winston-Salem.



*Wendell Leslie Schollander III*

## 2002

**MARK J. CHIARELLO** (JD/MBA '02) is practicing real estate, business transactions and estate planning and is of counsel to The Ellison Law Firm in Winston-Salem.



Elizabeth S. Jester

**ELIZABETH S. JESTER** (JD '03) is practicing commercial real estate law with Carruthers & Roth PA in Greensboro, NC.

**KEELEY C. LUHNOW** (JD '02) received the Wiley W. Manuel Pro Bono Services Award from the State Bar of California for her work with Legal Aid San Diego in founding the Conservatorship Clinic. She traveled to four cities to train Adult Protective Services employees in wills, trusts and powers of attorney.

### ANDREA BAILEY RICKS

(JD '02) is practicing real estate and finance with Nexsen Pruet Adams Kleemeier PLLC in Charlotte, NC.



Andrea Bailey Ricks

## 2003

**AIDH S. AL-BAQME** (LL.M. '03) specializes in corporation and business contract law in Riyadh, Saudi Arabia. He has been appointed to the Ministerial Committee for Administrative Organization, a government committee for research.

**SHELLEY SLAUGHTER HOLDEN** ('00, JD '03) is assistant director of law development at Wake Forest.

### JASON RAY SHOEMAKER

('00, JD '03) is practicing bankruptcy, workers' compensation defense, and civil litigation with Mullen Holland & Cooper PA in Gastonia, NC.

**JEFFREY F. STARLING** ('96, JD '03) practices complex products liability and mass tort litigation with McGuire Woods LLP in Richmond, VA.

## 2004

**Erika V. Harrison** ('01, JD '04) is practicing civil litigation, medical malpractice defense, and commercial litigation with Hood Law Firm LLC in Charleston, SC.



Erika V. Harrison

## 2005

**CHRISTIAN WYSS** (LL.M. '05) is with the law firm of Vischer Rechtsan Waelte in Basel, Switzerland.

## MARRIAGES

**VALERIE E. FRENCH** (JD '96) and David D. Cale. 7/22/04 in Corolla, NC.

**KELLY GREEN** (JD '96) and William Charles Clay. 8/14/04 in Wrightsville Beach, NC.

**CHRISTOPHER KEVIN BEHM** (JD '98) and Kristin Mary Freccia. 11/20/04 in Wilmington, NC. The wedding party included Matthew Stuart Black (JD '98) and Daniel Tasman Tower (JD '98). Attending were Meredith Taylor Black (JD '98), David A. Bridgman (JD '98), Matthew Peter Doyle (JD '99), Henry L. Kitchin Jr. (JD '96), Reagan McClellan Holliday (JD '98) and Marcus Townsend Reynolds (JD '98).

**GEOFFREY MICHAEL** (JD '97) and Heidi Murdy. 8/28/04 in Pittsburgh, PA. They live in Alexandria, VA. The wedding party included Zach Everson ('98), Graham Honaker ('97) and Michael Kennedy ('97). In attendance were Alex Brown ('98), Aaron Gibson ('97), Matthew Harrington ('99), Julie Loggins ('97), Scott Nye ('98) and Jamie Weinbaum ('98).

**JAY HEMPHILL** (JD '01) and Melinda Seamans (JD '02). 6/19/04 in Arlington, VA. They live in Pittsboro, NC. The wedding party and special guests included Heather Carpenter Botta (JD '01), Steve Eldridge (JD '01), Elizabeth Frey (JD '02), Sabrina Gicola (JD '02), Lolly Hemphill ('07), Matt Jobe (JD '01), James Mills (JD '01), Jonathan Nelson (JD '01), Kristen Rectenwald (JD '02) and Sharon Zielmanski (JD '02). The parents of the groom are James ('69) and Laura ('71) Hemphill.

**SHANNON "MISSY" SUMERELL** (JD '01) and John Edward Spainhour. 11/27/04 in Charlotte, NC. The wedding party included Jennifer Lue Anderson (JD '00) and Sara Decatur (JD '01).

**ISABEL DUNGAS** (LL.M. '02) and Eric Simmerman. They live in the Washington, DC, area.

**JULIE A. BASSETT** (JD '04) and Patrick M. Kelly (JD '04). 1/1/05 in Biddeford Pool, ME. They live in Connecticut.

## BIRTHS

**WALTER C. HOLTON JR.** (JD '84) and Lynne R. Holton, Winston-Salem: a daughter, Mary Fuller. 8/22/04. She joins her sister, Cara (15) and brothers, James (12) and Sammy (9).



JILL FOLSKE SWEENEY (JD/MBA '92) and JEFF SWEENEY (JD '92), Albuquerque, NM; a daughter, Caitlin Jane. 5/16/04. She joins her sister, Shannon Brynn (5).

ROBERT M. COOK II (JD '93) and Lisa B. Cook, Leesville, SC: a daughter, Helen Elisabeth. 9/9/04. She joins her brother, Robert Merrel III (8).

WILLIAM R. DERASMO '94) and Jennifer Derasmo, Fairfax Station, VA: a son, William V. 10/22/04. He joins his sister, Kelly Ann (4).

TAMARA FLIKKEMA deWILD (JD '95) and Robert deWild, Nixa, MO: a daughter, Lydia Renee. 11/12/04. She joins her brother, Erik.

ROBERT J. CRUMPTON (JD '97) and Kina Gilley-Crumpton, Wilkesboro, NC: a son, Alexander Callaway "Cal." 3/20/05. He joins his sisters, Rachel (12) and Hallie (1).

DINA JORDAN MARTY (JD '98) and Eric Marty, Greensboro, NC: a daughter, Kyra Nicole. 10/8/04. She joins her sister, Alexandria "Alexi" Grace (3).

COLIN D. MERRITT ('94, JD/MBA '98) and Avery Gaskins Merritt, High Point, NC: a daughter, Anna Elizabeth "Anna Beth." 11/7/04. She joins her brother, Jackson McIlhenny.

BILL BRUMSEY IV ('92, JD '99) and JOANNA GARBEE BRUMSEY ('93), Currituck, NC: a daughter, Paige Foreman. 1/24/05

TROY D. CAHILL (JD '99) and Jeneanne O'Hara Cahill, Alexandria, VA: a son, William Douglas. 4/29/05

RYO KAWAMURA (LL.M '99) and Junko Kawamura, Inagi, Tokyo, Japan: a daughter, Hannah. 12/25/04. She joins her brother, Rintaro.

JUSTIN C. LEFEVRE (JD '99) and MARGARET LUNGER LEFEVRE (JD '00), Davidson, NC: a son, William Shepard. 4/7/05

JAMES RUSSELL MARTIN (JD '99) and BRITTA FINK (MD '99), Lebanon, OR: a daughter, Lorelei Irene. 10/18/04. She joins her twin sisters, Callista and Elise (4).

BRIAN F. CORBETT (JD '00) and MORGAN POTEAT CORBETT ('98), Raleigh, NC: a daughter, Essie Hubert. 5/2/05. She joins her brother, Charlie. She is the granddaughter of Robert M. Poteat ('68).

MATTHEW KRAUSE (JD '00) and Katrina Krause, Ann Arbor, MI: a daughter, Madeleine Ruth. 4/20/04

PAMELA J. SIMMONS (JD '00) and Jeremy Simmons, Jacksonville, FL: a daughter, Lauren Emily. 11/10/04. She joins her sister, Kate Elizabeth (2).

JASON R. BENTON ('99, JD '01) and REBECCA ROBBINS BENTON ('98), Charlotte, NC: a son, Jacob "Jake" Thomas. 9/5/04

JASON COGDILL ('98, JD '01) and LORI SHORES COGDILL ('97), Clemmons, NC: a son, Thomas Shores. 1/21/05

GREGORY DAVID HABEEB ('98, JD '01) and CHRISTY BRENDLE HABEEB ('00), Roanoke, VA: a son, Daniel Edward. 12/24/04

APRIL BEEMAN METWALLI (JD '01) and ADAM METWALLI ('96, MD '00), Oklahoma City, OK: a daughter, Ellen Virginia Amira. 1/24/05

MEREDITH BLONDELL WEARING (JD '01) and ROBERT WEARING (JD '01), Arlington, VA: a son, Dylan Robert. 5/29/05

KELLIE LEE CAGGIANO (JD '02) and Steven Caggiano, St. Petersburg, FL: a son, John Patrick. 12/3/04

E. BRADLEY EVANS ('98, JD '02) and ELIZABETH "LIZ" WATSON EVANS ('99), Greenville, NC: a son, William Meade. 3/25/05

JASON M. GOINS ('00, JD '03) and KELLEY TURNER GOINS ('00), High Point, NC: a son, Jackson Elias. 2/16/05

## DEATHS

CHARLES SPENCER MORGAN JR. (JD '36), Jan. 29, 2005. He served in the U.S. Army during World War II. He was an executive with the Veterans Administration, attorney, clerk and treasurer for the City of Concord, and secretary, treasurer and vice president for the Cabarrus County S&L Association, from which he retired in 1978.

LYNN DOVER DURHAM (LLB '38), Dec. 11, 2004. He was a former member of the law school Board of Visitors and a generous supporter of the law school, where he endowed a scholarship in his and his late wife's name. A native of Burlington, NC, he served in the Army Air Corps, stationed in Texas, during World War II. Following the war, he settled in Midland, TX, and became an oil and gas-drilling contractor. He was president of Durham, Inc., an independent oil firm, at the time of his death.

## ALUMNI EVENTS DRAW ENTHUSIASTIC RESPONSE

FROM PHILADELPHIA TO ATLANTA, hundreds of Wake Forest alumni attended law school events this year. Since January, law alumni gatherings have taken place in Raleigh, Fayetteville, Philadelphia, Washington, Atlanta, New Bern, Wilmington, Greenville (NC) and Pinehurst. Upcoming plans include alumni events in New York City, Raleigh and Charlotte.



L-r: Chief Justice I. Beverly Lake Jr. '55, JD'60 and his wife, Susan Lake, talk with Dean Bob Walsh at the law alumni reception at the Raleigh Cardinal Club in January.



Curtis Cheyney III, JD '68, (L) was an alumni host for the Philadelphia area event in March. With Curt are (L-r) Melanie Nutt, Director of Admissions, Jim Bailey '72, JD'75 and guest Dr. Connie Sutilla.



Fayetteville law alumni met for breakfast in February. The group included Thomas Pleasant '93, JD '96; Joel Jenkins Jr. '77, JD'80; Gregg Edwards JD '83, Ruby Warren Bullard '79, JD'81; Rod Davis JD '88 and Holly Marion, Director of Development for the Law School.



Maryland Gov. Robert L. Ehrlich, Jr., JD '82, speaks to law alumni at an event in Washington, D.C. in March. More than 125 alumni and students attended the gathering.



**ASHLEY THOMAS MCCARTER** (JD '39), March 27, 2005. He served in the U.S. Army during World War II. He was a retired insurance executive with Nationwide Insurance Co. in Ohio. He is survived by a son, daughter, and three grandchildren.

**ISLEY MURCHISON "MURK" BIGGS** ('44, JD '45), Feb. 25, 2005. He practiced law in Lumberton, NC, for 50 years and was president and chairman of Biggs Park Mall and K.M. Biggs Inc. He was a member of the Wake Forest Board of Trustees from 1965 to 1968. He was also active in community activities and served as chairman of the Robeson County Chapter of the American Red Cross, president of the Lumberton Kiwanis Club and president of the Lumberton Shrine Club. He is survived by his wife, Janis, and two children, Catharine Biggs Arrowood ('73, JD '76) and Murchison Biggs.

**FRANK L. TODD SR.** ('43, JD '48), Jan. 17, 2005. He was president of the Moland-Drysdale Corp., developer of the Etowah Valley Country Club and mayor of Hendersonville, NC. He served as a Naval officer in the Pacific during World War II. He is survived by his wife, Betty Anne, four children, 13 grandchildren and two great-grandchildren.

**WARREN C. CASEY** ('42, JD '49), Jan. 21, 2005.

**ROBERT M. "BOB" DAVIS SR.** (JD '50), April 2, 2005. He served in the U.S. Navy during World War II and practiced law in Salisbury, NC, from 1950 until his death. He was elected state senator in 1982. He is survived by his wife of 53 years, four children, and 13 grandchildren.

**GEORGIA A. "KATE" MCNEMAR** ('54, JD '56), April 16, 2005. She was a retired attorney in the criminal division of the U.S. Department of Justice in Washington, D.C.

**DONALD BROWN HASKINS** (JD '59), May 28, 2005. He was a retired senior vice president for student development and emeritus professor of law at Wingate (NC) University. He was an honorary alumnus of Wingate and received the Order of the Seal for his years of service.

**CYRUS JAMES FAIRCLOTH** ('58, JD '60), Feb. 24, 2005. He was an attorney in Clinton, NC, and a member of the Sampson County Bar Association.

**CHARLES B. MERRYMAN JR.** ('60, JD '62), Jan. 29, 2005. He served in the U.S. Army and was a partner in several successful law firms, including Merryman and DeArmon Attorneys in Cornelius, NC.

**ROBERT LAWRENCE HOLLAND** ('59, JD '64), 26, 2005. He practiced law in Union County, NC, for over 30 years. He is survived by a daughter.

**JOEL L. KIRKLEY JR.** ('62, JD '64), Jan. 14, 2005. He had a private law practice in Charlotte, NC, for 40 years. He is survived by his wife, two sons, and four grandchildren.

**WILLIAM LEE PENNINGTON COFER** ('62, JD '65), Feb. 14, 2005. He served in the U.S. Army during the Vietnam War, receiving the Army Commendation Medal and The Bronze Star for Meritorious Service. He was an attorney in Winston-Salem for 35 years.

**DOUGLAS FLOYD POWELL** (JD '67), Nov. 23, 2004. He was a retired attorney with Hatcher Sitton & Powell of Morganton, NC, but he had a passion for farming on his tree farm, Lake Hickory Farm LTD. He is survived by his wife, two sons, two step daughters and six grandchildren.

**ROBERT "BOB" LANIER SLAUGHTER** (JD '76), Oct. 14, 2004. He was retired from Tucker Slaughter and Singletary in Albemarle, NC.

**TERESA GOODE BOWDEN** ('72, JD '78), April 24, 2005. She was in private law practice from 1978 until 2005 and, at the time of her death, a partner of Wilson DeGraw Miller & Bowden in Winston-Salem. She is survived by her husband, David Howerton Bowden ('72, JD '75), and two daughters.

## ALUMNI RECEPTION HOSTS

THE WAKE FOREST UNIVERSITY School of Law and the Office of Law Development and Alumni Activities would like to thank the following individuals and firms for hosting Alumni Receptions in the 2004-2005 fiscal year.

If you or your firm would be interested in hosting an event in your area, please contact Shelley Holden at (336)758-5884 or holdenss@wfu.edu

## LIST OF HOSTS FOR LAW RECEPTIONS:

Bobbi Acord	Henry Harkey
Cliff Britt	Kennedy Covington
Bill Burchette	Kilpatrick Stockton
Tom and Kathy Burnette	Norman Kellum
Scott Burton	Chief Justice Beverly Lake
Wade Byrd	John Madden
Susan Carter	Chief Judge John Martin
Nelson Casstevens	Dan McGinn
Curtis Cheyney	Dan Monaco
Hon. J. Corpening	Parker Poe
Jack Cozort	Joel Rhine
Gov. Robert Ehrlich	Jim Swisher
Steve Ensor	Howard Twiggs
Pete Evenson	Jim Williams
Gary Gough	Lonnie Williams, Sr.
Kay & Chip Hagan	Linda Wilson
Averill Harkey	Barbara Young

FIVE WFU LAW ALUMNI INDUCTED  
INTO THE GENERAL PRACTICE  
HALL OF FAME

AT THE NORTH CAROLINA BAR ASSOCIATION Annual Meeting in Asheville on June 23, eight attorneys were inducted into the General Practice Hall of Fame. Five of the honored attorneys were Wake Forest Law School alumni. Lawyers inducted into the Hall of Fame are outstanding members of the legal profession who serve as models for lawyers in the general practice of law. During the induction ceremony, each Wake Forest inductee mentioned the positive effect that former Dean Carroll W. Weathers had had on his life and career.

Congratulations to the following alumni for receiving this hard-earned and well-deserved recognition:

M.H. HOOD ELLIS JD '75  
JOHN C.W. GARDNER, SR. JD'56  
RICHARD M. HUTSON, II JD'64  
WILLIAM R. SIGMON JD '63  
LONNIE B. WILLIAMS, SR. '51, JD'53



## FLETCHER FOUNDATION HONORS FLETCHER SCHOLARS

IN APRIL, THE FLETCHER FOUNDATION hosted a dinner at the Piedmont Club in Winston-Salem to honor the former and current recipients of the coveted Fletcher Scholarship. Two Fletcher Scholars are selected each year through an interview process of the most academically qualified applicants to the Law School. The prestigious scholarship covers full tuition to the Law School and includes a stipend for books and living expenses. Fletcher Foundation President and Chairman, Barbara and Jim Goodmon challenged alumni and students to be actively engaged in public service including the Foundation's efforts to fund affordable housing for North Carolina citizens.



Current Fletcher Scholars l-r: Wesley Bullock, JD '05; Matt Carr, JD '05; Devon Green JD '06; Reid Whitten, JD '07; Malia Lawson, JD '07; Katie Cumbs, JD '06



l-r: Shelley Holden, JD '03, Assistant Director of Law Alumni and Development, greets Jim Goodmon of the Fletcher Foundation, and Dean for Students Debbie Parker.

### Faculty Notes continued from page 9

Afghanistan, Iraq & the War on Terror, at the University of South Carolina School of Law. He also recently mediated a case filed in the U.S. District Court for the Middle District of North Carolina; the litigation involved civil rights and intentional infliction of emotional distress issues. This summer he attended a colloquium, *The Law of War in the 21st Century: Weaponry and the Use of Force*, at the Naval War College in Rhode Island. He also attended the College's International Law Department Board of Advisors meeting.

RON WRIGHT shared his expertise at a symposium in January on criminal sentencing reform sponsored by the *Columbia Law Review*. Professor

Wright's perspective on these issues also will appear in a forthcoming issue of the *Columbia Law Review*. During the spring, he attended several meetings of the "Sentencing Initiative" of the Constitution Project, based at Georgetown University. This bipartisan committee, chaired by former Reagan Administration Attorney General Ed Meese and former Clinton Administration Deputy Attorney General Phil Heymann, is trying to construct a set of recommendations for improving the federal sentencing system. Professor Wright also participated this spring in a Comparative Penal Policy conference at the University of Minnesota. This summer, he was a speaker and group leader at a national training session for new law professors,

sponsored by the Association of American Law Schools. He also made a presentation on criminal sentencing at the annual meeting of the Southeastern Association of Law Schools in Hilton Head, South Carolina. Professor Wright has agreed to publish an article entitled "Trial Distortion and the End of Innocence in Federal Criminal Justice" in the *University of Pennsylvania Law Review*. In this article, he documents a decades-long decline in the percentage of acquittals in the federal system, and points to evidence that acquittals have disappeared because federal prosecutors have increased the "trial penalty" so much that defendants are now waiving viable defenses too often. ⚖️

## MURRAY GREASON ('59, JD '62)

### *Courting Wake Forest*



**T**HE OFFICE OF MURRAY C. GREASON, JR. ('59, JD '62) on the 13th floor of the One West Fourth Street building in Winston-Salem could not have a more perfect view. Through the wall of windows on the northwest corner of the building that houses the offices of Womble Carlyle Sandridge & Rice, Greason has a perfectly framed view of the steeple of Wait Chapel with Pilot Mountain rising in the background.

The view is like Greason's life, which has had the University at its center since he was born in the town of Wake Forest in 1936. Greason's parents served Wake Forest for a span of 41 years, his father as basketball coach and assistant athletic director, and his mother as assistant postmistress and secretary in the dean's office. Greason's college career bridged the move from the old campus to Winston-Salem.

"I've never been to a school without Wake Forest in the name of it, from grammar school to law school," Greason said. "Going to Wake Forest was a foregone conclusion. Basketball coaches in the 1950s made less than \$10,000 a year. I could go to Wake Forest for \$150 a semester. I remember Chowan offered me a basketball scholarship, but who wanted to go there?"

It's hard to imagine Wake Forest without Greason. Besides graduating magna cum laude from both the University and the Law School, Greason has served on a host of university boards as an alumnus: Board of Trustees (of which he is currently the chairman), Law School Board of Visitors, Alumni Council, National Alumni Association, Wake Forest University Baptist Medical Center Board of Directors, Wake Forest University Health Sciences Board of Directors, The Denmark Fund of Wake Forest University.

"For somebody who's never officially worked there, I go as deep into Wake Forest as anybody I can think of," Greason said.

For the past two years, it certainly seemed as if Greason worked for Wake Forest instead of Womble Carlyle, the firm that hired him in 1965 after a three-year stint in the U.S. Army JAG Corp. Just at a time when Greason was looking forward to slowing down a bit from his 40-year law career, he was asked to serve as chairman of the search committee charged with finding a successor for retiring President Thomas K. Hearn, Jr.

"I once said to Leon Corbett (the University's former vice president and counsel) that I thought I might pass on the search job. He said it was manifest destiny, that I had to be the one," said Greason, who in the end didn't need much convincing after all. "It means a lot to me to have played a pivotal role at Wake Forest."

Reid Morgan, the University's general counsel and secretary of the Board of Trustees, said he was impressed with Greason's openness, diligence and attention to detail during the process that resulted in the hiring of Nathan O. Hatch as Wake Forest's next president. "Murray took on all the extra duties with a can-do spirit," Morgan said. "He did everything in a timely way and in a way designed to do the most for Wake Forest."

Besides being a lifelong champion of Wake Forest, Greason is also a first-rate lawyer, Morgan said. Greason began his career at Womble Carlyle in tax and corporate law, then became at age 51 the firm's youngest managing partner, and finally, eight years later, moved into mergers and acquisitions. "Murray is known as a great problem-solver, a person who can get the deal done," Morgan said. "He is universally respected in the legal community."

Greason laughed as he recalled that he never intended to make a life in Winston-Salem. "I remember sitting at the Phi Delta Phi house talking about what we would do after graduation, and I said I was going into the army and I would never work for a law factory like Womble Carlyle."



But Grady Barnhill (JD '58), whom Greason had known since Barnhill coached his eighth grade basketball team, called Greason and asked him to come to Womble to meet some of his law partners. "Those people snowed me," Greason said. When he was hired in 1965, he was the 11th lawyer in the firm. Now there are 505 lawyers. "So I've worked at just about every size law firm there is."

Greason had planned to be a litigator but was asked to help out in partner Leon Rice's tax practice when another associate quit. "I said I don't even know how to do a tax return. They said if you don't like it in six months, you can go back and be a litigator," Greason recalled. "It turned out that I found tax law and business practice very, very challenging and easier than my predecessor in that job because I basically am not afraid to make a decision. For the first 23 years of my practice, I was a tax and corporate lawyer."

In June, Greason received the Dr. I. Beverly Lake Sr. Public Service Award from the North Carolina Bar Association, recognizing his many years of service not only to Wake Forest and the legal community, but also to the city of Winston-Salem. Greason has served several terms as vestryman and senior warden at St. Paul's Episcopal Church, and the list of boards of directors on which he has served is long, including: Northwest North Carolina Chapter of the American Red Cross, Ronald McDonald House of Winston-Salem, United Way of Forsyth County, YMCA of Greater Winston-Salem, Wachovia Bank, Winston-Salem Chamber of Commerce, Winston-Salem Downtown Rotary Club.

"I've always believed strongly in making Winston-Salem a better place — Chamber of Commerce, United Way, all those kind of things," Greason said. "I look at giving that time as paying rent for taking up space on earth. I really can't understand people who have no inclination to do any of that."

No matter how busy Greason gets, he always has time for people, especially his nearly 2-year-old granddaughter. He and his wife of 45 years, Joan, have three children and one grandchild. "We are the most obnoxious grandparents in Winston-Salem. But truly, the baby is a beautiful genius," he said.

That interest in people is a hallmark of his work life as well. Sandra Boyette, vice president of university advancement, said communicating with Greason is a pleasure. "I'm always impressed by busy, important people who answer their own phone and respond to their own e-mails," she said. "Murray is one of those folks. Voice mails and e-mails always get his prompt attention."

Greason's contributions to Wake Forest are invaluable. "Murray holds virtually all perspectives on Wake Forest — native of the town, child of two employees, student, double alumnus, volunteer, donor, trustee," Boyette said. "That he can look at the institution through various lenses and see clearly through any and all of them is a great advantage in the leadership roles he has held, especially that of trustee chairman." ☞

—By Ellen Dockham

*"I've always believed  
strongly in making  
Winston-Salem a better  
place — Chamber of  
Commerce, United Way,  
all those kind of things."*

## FIRM REP PROGRAM

**T**HE WAKE FOREST UNIVERSITY School of Law would like to thank the following firms for participating in the Firm Rep Program this year. Law firms with five or more WFU law alumni may participate in this annual program with a goal of gaining 100 percent participation in the Law Fund. This year, 38 firms participated in the program which represented over 450 law school alumni. Thank you to each rep and each WFU lawyer contributing to the Law Fund.

Alala Mullen — Reid McGraw, Gastonia  
 Allman & Spry — Ric Hinnant, Winston-Salem  
 Alston & Bird — Steve Ensor, Atlanta  
 Alston & Bird — Chris Gegg, Charlotte  
 Bell Davis & Pitt — Dan Quesnel, Winston-Salem  
 Blanco Tackabery — Reg Combes, Winston-Salem  
 Brooks Pierce — Forrest Campbell, Greensboro  
 Carruthers & Roth — Elizabeth Jester, Greensboro  
 Cranfill Sumner & Hartzog — Bob Sumner, Raleigh  
 Hedrick Eatman — Jeff Kadis & Heather Twiddy, Charlotte  
 Helms Mulliss — Landis Wade, Charlotte  
 Ivey McClellan — Bob McClellan, Greensboro  
 Johnston Allison & Hord — Paul Kohut, Charlotte  
 Kennedy Covington — Gene Pridgen, Charlotte  
 Kennedy Covington — Stanford Baird, Raleigh  
 Kilpatrick Stockton — Charlotte  
 Kilpatrick Stockton — Jim Cain & Chris Matton, Raleigh  
 Kilpatrick Stockton — Drew Veach, Winston-Salem  
 Maupin Taylor — Mark Thomas, Raleigh  
 McGuire Woods — Jeff Starling, Richmond  
 Moore & Van Allen — Joe Fernandez, Charlotte  
 Nexsen Pruet Adams Kleemeier — David Senter, Greensboro  
 Parker Poe — Grant Whitney, Charlotte  
 Parker Poe — Bruce Thompson, Raleigh  
 Poyner & Spruill — Deborah Tyson, Charlotte  
 Poyner & Spruill — Bardin Simmons, Raleigh  
 Poyner & Spruill — David Warren, Rocky Mount  
 Robinson & Lawing — Bob Lawing, Winston-Salem  
 Smith Anderson — John Madden, Raleigh  
 Smith Moore — Rob Kidwell, Greensboro  
 Tuggle Duggins — Pete Evenson, Greensboro  
 Ward & Smith — Brad Evans, Greenville, NC  
 Wells Jenkins — Mike Wells, Winston-Salem  
 Womble Carlyle — Rob Fields, Raleigh  
 Womble Carlyle — Charlotte  
 Womble Carlyle — Jim Phillips, Winston-Salem  
 Wyrick Robbins — Kemp Sherron, Raleigh  
 Young Moore & Henderson — Matt Gray, Raleigh

## GIVING BRIEFS

## LAW ALUMNI AND FRIENDS CREATE NEW ENDOWED FUNDS

THE WAKE FOREST UNIVERSITY School of Law recognizes the following alumni and friends for recently creating new law scholarships. We extend our gratitude for the generosity and leadership of these dedicated individuals.

**Martin L. Garcia JD '81**

The Thomas K. Hearn Jr. Law Scholarship was established by alumnus Martin Garcia in recognition of the leadership of Thomas K. Hearn, the 12th president of Wake Forest University.

**The Estate of James Fulton Hoge LLB '22**

The purpose of the James F Hoge Loan Fund is to create scholarships in the School of Law based on the student's merit and need. The scholarship functions as a loan which recipients must pay back. Payments must begin within five years after entering employment and must be completed in fifteen years.

## GIFTS TO THE LAW SCHOOL EXCEED GOALS

MORE THAN 1,450 LAW ALUMNI made gifts to School of Law in the 2004-2005 fiscal year which ended June 30. Gifts for scholarships, faculty endowments, and the annual Law Fund surpassed the \$3,140,000 mark.

On behalf of the students, faculty, and staff, we extend our gratitude to everyone who made special gifts for the Honoring the Promise campaign and to those who contributed to the annual Law Fund. Your support ensures and enhances the quality of legal education at Wake Forest.



## ALUMNI BRIEFS

**LAW ALUMNI COUNCIL ANNOUNCES  
NEW MEMBERS**

AT THEIR FEBRUARY 2005 MEETING, the Law Alumni Council approved the nominations of four alumni to serve a three-year term beginning in July 1, 2005 and ending June 30, 2008. Congratulations to these alumni! Thank you for serving on the Council.

**Jones Pharr Byrd '68, JD'71**

Jones Byrd is a member of the Van Winkle, Buck, Wall, Starnes and Davis law firm in Asheville. His practice concentrates on civil litigation, eminent domain and construction. From 1971-74, he served as the Assistant Attorney General of the North Carolina Department of Justice. He is a member of the Panel of Arbitrators, American Arbitration Association (Regular and Construction Panels) and chair of the Buncombe County Board of Elections, 2001.

**Kenneth Gray Carroll '82, JD'85**

As managing partner of the Durham office of Womble Carlyle Sandridge & Rice, Ken oversees a staff of 40 in the Research Triangle Park. The firm specializes in acquisitions, divestitures and mergers, as well as general corporate law. In 1984, he was the recipient of the James F. Hoge Award. He and his wife make their home in Cary.

**Joseph Venable Green JD'76**

Joe Green is the President and CFO of Winston Hotels Inc. in Raleigh, but he makes his home in Greensboro. He has also served as Executive Vice President of Winston Hotels with supervision of acquisitions and finance including the initial public offering of Winston Hotels. He earned his masters degree in taxation at Georgetown University and an undergraduate degree from East Carolina University. He and wife, Patricia, have two children.

**James K. Pendergrass Jr. JD '86**

Jim's firm, Pendergrass Law in Raleigh, specializes in real estate litigation. He is a member of the Small Business and Technology Center Advisory Board, and served as Vice-Chairman, City of Raleigh Planning Commission from 1993-1997. In addition, Jim is a Board Certified Specialist in Residential, Business, Commercial and Industrial Transactions, North Carolina State Board of Legal Specialization. He earned his undergraduate degree from Elon University. His wife, Lisa, also earned her law degree from Wake Forest in 1988.

**SAVE THE DATE!**

WAKE FOREST LAW CLASSES ending in 0's and 5's will celebrate their reunions on the weekend of September 30-October 1, 2005. Please mark your calendars and plan to join your classmates, and former professors in a variety of activities. The Partner's Banquet will also be held that weekend and all donors who have made gifts of \$500 or more to the Law School will be invited to this event.

If you would like to be involved in the planning and serve on the reunion committee for your class, please contact Shelley Holden, assistant director of Law Development at [holdenss@wfu.edu](mailto:holdenss@wfu.edu) or 336-758-5884. Also, if you would like to do something special to honor your class anniversary, please make a gift to the Law Fund. Visit: <http://www.wfu.edu/alumni/giving/>

**THE 33RD ANNUAL PARTNERS' BANQUET  
HONORS ALUMNUS AND NEW WFU PRESIDENT**

MARK YOUR CALENDAR now for the School of Law's annual Partner's Banquet on Friday, September 30 at the Adam's Mark Hotel in downtown Winston-Salem. At this special 33rd anniversary event, the Law Board of Visitors will honor alumnus Murray Greason Jr. '59, JD '62 for exemplary leadership at Wake Forest University and the Law School. Dr. Nathan Hatch, the new president of Wake Forest, will be the featured speaker. The event marks one of the earliest speaking engagements by Dr. Hatch since his arrival.

An attorney with Womble Carlyle Sandridge & Rice in Winston-Salem, Murray Greason Jr. served multiple four-year terms on the Board of Trustees beginning in 1991. For the last two years, he served as chairman of the Board. In addition, he was chair of the presidential search committee which nominated Dr. Nathan Hatch as the thirteenth president of Wake Forest University.

# Wake Forest JURIST

ALSO IN THIS ISSUE:

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*Nathan Hatch Named 13th President of Wake  
Forest University*

*ABA Leader Addresses 2005 Grads*

*U.S. Fourth Circuit Court Holds Oral Arguments  
at Law School*

*Trial and Moot Court Teams make Strong Showings  
in Spring Competitions*

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