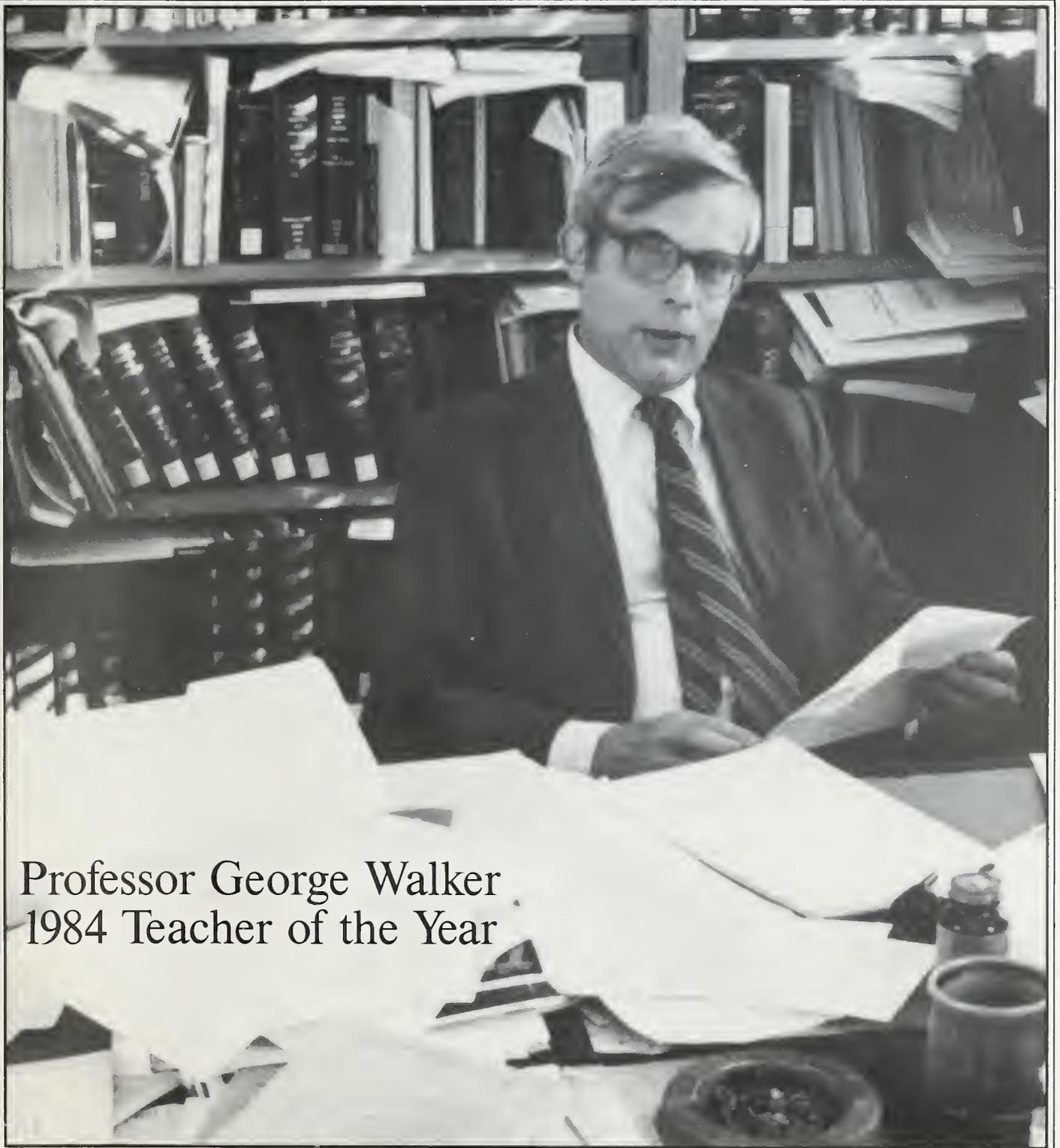


# Wake Forest JURIST

FALL 1984 Vol. 15, No. 1



Professor George Walker  
1984 Teacher of the Year



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Fall 1984 Volume 15, No. 1

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

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# Dean's Letter

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During the past year the North Carolina State Bar, under the leadership of Wake Forest Law School Alumnus, Cliff Everett, Sr., has led the way in the creation and adoption of two new programs of vital importance to the legal profession and the people of North Carolina. The first of these programs has become known as I.O.L.T.A., an acronym for Interest On Lawyers' Trust Accounts. Under the I.O.L.T.A. program, interest earned on clients' funds held in their lawyer's trust accounts in such small amounts and/or for such short periods of time that it is both impractical and uneconomical to attempt to pay it out to the clients, will be made available for professional and public purpose projects designed to raise professional standards, provide access to the justice system, and improve the system itself. Because of the impracticality or impossibility of returning this earned interest to the clients themselves, it has in the past simply been retained by the banks. Although the amounts in individual instances are very small, the aggregate potential of these funds in North Carolina is very large indeed, with estimates as high as \$1 million per year. The program is strictly voluntary, but it is hard to imagine any good reason not to participate. I would hope that all of you who have not already done so will take a good hard look at I.O.L.T.A. and sign up immediately if you are as impressed as I am with potential benefits which the program can provide.

The second of these programs is the Client Security Fund which was recently put in place by the North Carolina Supreme Court as the culmination of a long-term effort on the part of many people and professional organizations, spearheaded by the State Bar. North Carolina was one of the last states in the Union to adopt such a program, which, as you are aware, is designed to restore funds wrongfully taken or withheld from a client by his or her lawyer. It is unfortunate that programs of this nature have become necessary, but especially in recent years the need for some protection of this type has become abundantly clear, even here in North Carolina.

As members of the legal profession we are granted both the privilege to practice law and the privilege to regulate the

practice of law. With those privileges goes the very heavy responsibility of protecting the public from those few members of the profession who abuse their privileges. Although many of us are not entirely comfortable with the concept, in a very real sense, we are our brother's keeper. The Client Security Fund was long overdue in North Carolina and deserves our fullest support.

Here on campus the last six months have been unusually challenging and stimulating. President Hearn has initiated a new planning and development process designed to marshal and make the most intelligent and effective use of all resources available to the University in the increasingly competitive years immediately ahead. Dr. John Anderson has been appointed Vice President for Planning and Administration with major responsibility for the creation and operation of this ongoing process. Each unit of the Reynolda Campus, and the University as a whole, will be asked to define its mission more precisely, to sharpen its goals and objectives, and to make use of its available resources as efficiently and effectively as possible in the attainment of those goals. Priorities will be hammered out on a university-wide basis, and resource allocation decisions will be firmly based upon those priority determinations.

Because the Law School was still involved in its attempts to meet the pressing needs which surfaced as the result of its most recent accreditation inspection, it was used as a "pilot" unit in the development of the planning process. Throughout the summer months the Law School administration has worked with Dr. Anderson in the construction of the process, and the whole Law School community, including the Board of Visitors and the Alumni Executive Council, has spent long hours developing a "model" of our aspirations for the Law School which will be presented to the University for approval and implementation. Each individual Law School program and operational unit, present and projected, has been carefully "costed out" and entered on a Lotus spread-sheet program which will provide us with detailed factual data and enable us to make internal planning and resource

allocation decisions on a far more intelligent basis.

The model itself continues our existing plans for a gradual enrollment reduction over a five or six year period to the most advantageous and realistic level we can determine in terms of our admissions forecasts, our placement market, the portion of our operational costs which remain relatively constant regardless of enrollment reduction, and the continuing maintenance and development of a top-quality educational program which will meet the needs of our students and the legal profession in the years ahead. The size of our applicant pool remained relatively constant this year despite a drop of approximately 12% in the number of law school applicants nationwide. That downward trend in the national applicant pool is expected to continue at a reduced rate for most of the next decade, however, and we cannot expect to escape its effects entirely. If we are successful in implementing a major portion of the "model" which we have constructed as part of the new planning process described above, however, we fully expect that the Law School will be able to compete on even terms with the best law schools in the southeast.

Our confidence is bolstered by the outstanding support which we continue to receive from you, our alumni. This year the University received the Case — U.S. Steel award for the sustained support of its alumni over a five year period, in competition with the best universities in the country. An important part of the University effort was the Law School annual giving program which once again ranked right at the top in percentage of alumni supporting the school. We have received equally valuable support from our alumni in our efforts to recruit outstanding applicants and to place our students upon graduation. At the risk of sounding like a broken record, I will repeat again my sincere conviction that Wake Forest is blessed with the best group of law school alumni in the country. All of us here at the University deeply appreciate your support and extend to you our congratulations on your achievements and our gratitude for all you continue to do for Wake Forest.



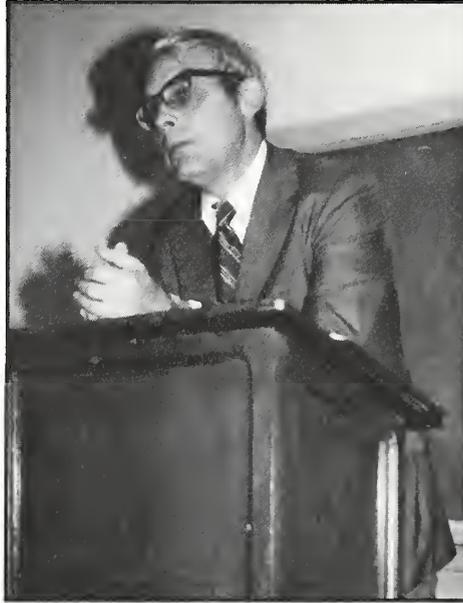
## The Inimitable “Mad Dog”: 1984 Teacher of the Year

“I am a part of all that I have met.” With this quotation from Tennyson’s “Ulysses,” Professor George Walker accepted the Jurist’s 1984 Excellence in Teaching Award at the annual Law Day Banquet last March. The recipient of the award is selected each year by vote of the members of the third-year class.

He acknowledged the support that he had received from the faculty and the administration, from

students, from the bar and the alumni, and from his family. His wife Phyllis was present at the banquet.

In a sense, Professor Walker began his teaching career early. His father was professor and chairman of biology at the University of Alabama, and his mother taught college for several years. “I recall the dedication my father had, even as a senior professor and chairman of the department, in working with



students in smelly labs in the afternoons and evenings. He taught me that teaching is a full-time job, and does not necessarily end with sundown,” Professor Walker recalled.

After graduating Phi Beta Kappa from Alabama with a degree in history, Professor Walker reported to the destroyer forces, Atlantic Fleet, for three years’ commissioned service. He qualified as officer of the deck and as chief engineer, seeing a variety of duty from 1959 through 1962. “The Navy taught me planning and relatively quick reaction to situations. In anti-submarine warfare, or emergency drills aboard ship, reaction had to be fast and correct. At the same time, I had to plan the ship’s overhauls upon return to port and anticipate problems as a watch officer. These experiences were useful in training me to plan ahead, but to be prepared for short-fuse situations, such as recitations in class. Also, I had to administer a 50-man engineering department and learn disciplines that I had little exposure to in college, except for physics,” he added. “There were long hours too — cramming the equivalent of 15 semester hours into summer training at OCS, and days that began at 3:30 A.M. and went on past supper on the ship.” Did he get seasick? “Sure, everybody did in a full gale or hurricane with 60-degree rolls of the ship.”

After release from duty, Walker attended Duke University from 1962-63 under a Woodrow Wilson Fellowship, completing a master’s thesis in diplomatic history in 1968. He attended Vanderbilt University from 1963-66, earning an LL.B. degree. “I picked up the idea of an active appellate moot court board from Vanderbilt, and introducing a variant on that system

was one of my first jobs at Wake Forest,” he said.

After a year’s judicial clerkship with U.S. District Judge John D. Butzner, Jr. (now a Senior Judge on the Fourth Circuit) in Richmond, he was an associate attorney in the trial section of Hunton, Williams, Gay, Powell & Gibson in Richmond from 1967-70. “The clerkship was a real delight; I saw litigation from all perspectives, and I enjoyed working with an outstanding judge. Three years’ trial work experience at Hunton, Williams taught me the real meaning of Hemingway’s phrase, that ‘courage is grace under pressure.’ I have always counted those experiences as part of my ‘post-graduate’ training. Hunton & Williams, as it is now after Justice Powell left it to go to the Supreme Court, was and is an outstanding law firm. I was always impressed with the firm’s efficiency, coupled with its concern for practicing law as it should be practiced, including concern for pro bono cases.” While at the firm, he handled his first Fourth Circuit indigent appeal, and he still accepts appointments for those cases, taking Wake Forest Law School seniors with him under the Court’s student advocacy program.

After completing an LL.M. at the University of Virginia in 1972, Walker came to Wake Forest as an assistant professor, to teach, organize and administer the legal bibliography and appellate moot court programs. (Legal bib earned me the ‘mad dog’ nickname,” he recalled.) The Fourth Circuit’s clinical appellate program was started a year later, and it ranks among the best in the southeast. He was promoted to associate professor in 1974, and to professor in 1978. He attended the Yale Law School from 1975-76 on a Sterling Fellowship and was a

visiting professor at William and Mary from 1979-80.

For the past few years Walker has concentrated on teaching civil litigation-related subjects — civil procedure, federal jurisdiction, admiralty and international law. Active in judging international law moot court competitions, he has served as advisor for the school's Jessup Moot Court team. "I have had a few fun trips with the team, but none so memorable as last year's, when we got snowed in at Carbondale, Illinois, for three days," he said.

Walker has been active in legal research and writing, contributing articles to the **Wake Forest Law Review** and other periodicals. Under his direction, student staff members, principally members of the Wake Forest International Law Society (WFILS), will edit the **Proceedings** of the annual meeting of the American Society of International Law for 1984 and 1985. Recently the ASIL published the WFILS-edited **1982 Proceedings**, the first time that this collection of addresses and papers has been published with the assistance of a student staff.

"We have enjoyed our relationship with the ASIL, and we are grateful to the Society for letting us have this editing and research experience for our students, which amounts to law review training. It's a lot of hard work for all concerned, but the product has been very good."

Professor Walker has also contributed to the Wake Forest Continuing Legal Education (CLE) publications on corporate practice, civil litigation and law office management. He directs the Wake Forest CLE program with AT&T Technologies, Inc. (formerly Western Electric Co.), bringing speakers to the AT&T Guilford County Center. "CLE is and will continue to be an integral part of the modern law school's education program," he believes. "The rapid turnover in the law and the expansion of new fields means that attorneys will have to 'come back to school' more than ever before, and what better agency for education is there than the law schools, cooperating with the organized bar or the bar associations?" He also serves on the North Carolina Bar Association's International Law Committee.

Besides his continuing involvement as a line Captain in the Naval Reserve, Professor Walker has consulted with the Naval War College, and recently completed a revision of its course, **International Law for the Naval Commander**, which is expected off the press soon. "It has been a good mutual relationship — I have developed professionally, and I feel that I have been able to contribute to the education of an important segment of our population — the American military." His reserve participation has included four commands;

last summer he was one of 13 captains chosen nationwide for a special Commander-in-Chief, Atlantic Fleet course. "The Navy is in great shape," he reports.

When asked why he gave up active practice and got into legal education, Walker stated "Maybe it's in the blood." "This decade my family celebrates a century of commitment to education — my grandfather was a superintendent of schools and school principal, and my grandmother taught in Georgia; my father and mother taught college; and my uncle was dean and later president of two universities, Tulane and Mercer. My wife teaches pre-school. Our family stories often tell of interest in and dedication to young people. It is sort of a long-term investment, rather than the relatively short return in litigation, even with the current congestion in the courts. It is a heavy responsibility, to be sure that the lawyers who leave Wake Forest are able to do their best."

"That's probably why I run a relatively tight ship in class, particularly in the first year. I got this idea from a good teacher at Vanderbilt, Dean John Wade. There is no second chance for trying a case lost through lack of preparedness. Like legal education for the students, litigation and lawyering are expensive for the clients, and every minute should count — whether in court, the law office or the classroom. I feel that we should start here at Wake Forest on the first day, beginning that professionalism."

What prospects for the law, lawyers and law schools? "The law will always be with us; it will continue to be complex, but imagine the problems of John Marshall and lawyers nearly two centuries ago when they had to contend with a written Constitution and Bill of Rights, a new thing for that era. I think lawyers will respond to the challenges in the law. Law schools like Wake Forest will continue to get better, but they will be smaller and more student-intensive. Some of the specialty courses in the curriculum will tend to disappear, and there will be more of a 'core' curriculum. We won't go back to the old curriculum of entirely required courses however. Clinical legal education will continue to be a component, and there will be more outreach and scholarship by legal educators. In short, we will be heading for a settling period that will be good for legal education after the tremendous expansion (and occasional tremendous mistakes) of the sixties and seventies."

Why stay so busy after tenure? "Jack Kennedy liked the saying of (I believe) the ancient Greeks — 'Happiness is the full use of your powers along lines of excellence in a life affording scope.' I like to stay happy," he concluded.

# Law School Organization News

The **Student Bar Association** scheduled Judge Lacey Thornburg to open its Speaker Series. Thornburg is a candidate for state attorney general.

The SBA has also formed a Student Deans' Advisory Committee which plans to meet regularly with Dean Zick, Dean Scarlett and faculty representatives.

Additionally, a busy slate of social and athletic events has been planned for students, including the annual co-ed softball tournament and the five-kilometer Race Judicata.

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For the second year, the Wake Forest Law School's **International Law Society** has been chosen to prepare and edit the *Proceedings of the American Society of International Law Convention*. The convention was held in Washington, D.C. last April. The editorial board consists of Professor George Walker, the group's faculty sponsor, and third-year students Rhonda Kahan, Ed Leach, Virginia Hourigan, and David Daniel.

Plans are underway for the society to sponsor a series of speakers during the academic year. Monthly speakers will address topics ranging from how to find employment in international law to what the current issues are in the practice of international law.

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In conjunction with the SBA Speaker Series, the **Environmental Law Society** has arranged a symposium on acid rain. Invitations have been extended to Representative Steve Neal (D-North Carolina), who is a member of the five-member Congressional Acid Rain Committee, and to speakers from major power companies.

The Environmental Law Society's activities also include a 14-mile canoe trip down the New River in Jefferson, N.C., a cycling trip to the Outer Banks, and an afternoon of rock climbing. The society also plans to have discussions/

lectures on the commercial development of the Outer Banks and on the impact of pumping water from Lake Gaston for use in Virginia.

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The **Black Law Students Association** will sponsor several projects which include: 1) co-ordinating functions with the Winston-Salem and National Bar Associations; 2) investigating the possibilities of federally-funded scholarship programs; 3) assisting the law school's admission office in recruiting black students; and 4) increasing the visibility of black attorneys through speaker symposiums at the law school.

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**Phi Alpha Delta**, an international legal fraternity and professional association of law students, law professors, and practicing attorneys, plans to sponsor speakers, campus tours, and research projects in an attempt to help student members bridge the student-practitioner gap. The 1984 P.A.D. Summer House Hunt attracted 85 first-year students who were seeking living accommodations for the coming year. In addition to several parties and other rush activities, the officers of Phi Alpha Delta plan to hold a breathalyzer demonstration at the law school and to continue the police ride-along program.

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**Phi Delta Phi**, a legal fraternity, has sponsored several social events for law school students and recently inducted new members.

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**Women-In-Law** is an organization which isolates and acts upon issues of specific concern to women in the legal profession.

There has been a significant increase in the organization's membership this year. Women-In-Law currently consists of fifty members. President Parker Herring attributes the gain in membership to the

increased amount of educational programs and social events sponsored by W-I-L.

In August, W-I-L held a covered-dish supper at Dean Scarlett's home. The event provided students with an opportunity to meet faculty in an informal setting. On October 9, 1984, a debate on the constitutionality of legalized abortion was held between Professor Bond and Professor Parker. Later in the fall, W-I-L hosted two speakers as part of a speaker's series. The programs were on rape and domestic violence.

During the upcoming year, the Wake Forest Women-In-Law will become affiliated with the North Carolina Chapter of Women-In-Law.

Women-In-Law, in conjunction with the SBA Distinguished Alumni Speaker Series, sponsored a lecture by 1975 Wake Forest Law School graduate Mary Murrill last spring. Ms. Murrill shared her experiences as a practicing woman attorney with the law students.

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**Law Guild**, which serves as a social support group for the spouses of law students (both husbands and wives) will be busy this year. Meetings are planned for the second Monday of each month and will often feature guest speakers. The Law Guild will sponsor several activities in the Winston-Salem area and will provide information about child and health care facilities as well as employment opportunities for spouses.

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**The Christian Legal Society** has planned activities for law students who come together for fellowship and prayer. The society wishes to integrate its members' faith with the study and practice of law. This year's activities include a picnic, a raft trip, and weekly meetings.

# Entering Class Profiled

The 1984 entering class at Wake Forest Law School consists of 186 students chosen from an applicant pool of 1,100.

The average LSAT score of the class is 36; the average grade point average is 3.15.

Wake Forest continues its policy of achieving a class characterized by a great diversity of backgrounds. The students

come from twenty-five states.

The entering first-year class consists of 85 North Carolina state residents. The state of Virginia provides 13 students; Michigan, 12; Florida, 11; and Ohio, 8.

The average age of the first-year student is 24.3.

Wake Forest University and University of North Carolina at Chapel Hill

graduates contribute the most students to the incoming class, providing 43 first-years between the two universities. Two small liberal arts colleges in Michigan — Albion and Alma — provide five students each as do the University of Virginia, Duke University and Washington and Lee University.

# Enthusiasm Marks Moot Court

The Wake Forest Moot Court program, in both intramural and extramural competitions, has enjoyed great success. The law school has long prided itself on producing students with a mastery of both the basics and finer points of oral advocacy; the school's Moot Court program is one of the traditional ways of gaining these advocacy skills.

The intramural program is divided into two competitions: The Stanley Competition is held during the fall term and is open to second and third year

students. Sixty students competed in the Competition last year. The winner was Clay Custer, with Tim Barber taking second place honors. In the spring, a majority of the first year class entered the First Year Competition. Tom Brennan and Linda Bellows finished first and second, respectively.

A high degree of interest among students and a great deal of faculty support have been responsible for the continued success of the intramural Moot Court program.

The extramural teams have proved to

be extraordinarily successful in their competitions with other schools. These teams include the National Moot Court team (which participated in the national finals), the International Law team, the Labor Law team, and teams which participated in the J. Baxton Craven, the William & Mary, and the Frederick Douglas Competitions. The extramural teams have been particularly successful in the briefing part of the Competition, placing first in over one-half of the competitions in which they have entered.



National Moot Court team (from left to right): Terri Hart, Kevin Carwile, and Parker Herring.



The 1984-85 National Moot Court teams: Standing: Edward Leach (left) and Thomas Brennan (right). Sitting: Nancy Borders.



### Retired General Now Heads WF-CLE Program

Lloyd K. Rector became the new director of the Wake Forest CLE program this past July, coming to Wake Forest after a long and outstanding career in the U.S. Army. A native of Drexel, N.C., Rector graduated from Wake Forest University in 1952, later went on to get his law degree from Wake Forest Law School. After practicing law for a short time in Granite Falls, N.C., Rector decided to pursue a career with the Army. In 1980, Mr. Rector, was promoted to Brigadier General and assumed the duties of Chief Judge of the U.S. Army Court of Military Review and also of Commander of the U.S. Army Legal Services Agency. In 1982, Rector became the assistant Judge

Advocate General of the U.S. Army for Military Law. He retired in May 1984. Rector, who is married and has three children, is currently living in Winston-Salem.

Rector feels that the Wake Forest CLE program is "without question the best program of its kind in the state." He firmly believes that it provides a valuable service not only to the bar of this state, but also to the legal profession as a whole. As new director, it is his desire that the program will continue to provide outstanding service. "It is my hope," Mr. Rector said, "that I can in some small way make the program better."

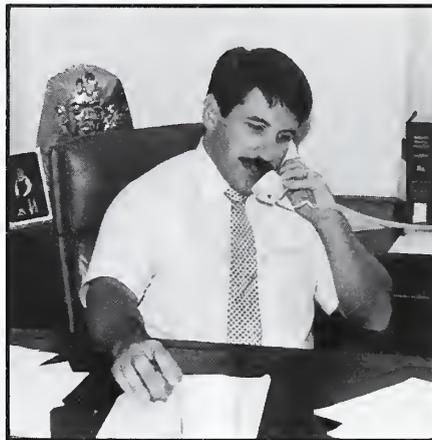
### Meet Kenneth A. Zick, II

During a spring vacation in 1975, Kenneth A. Zick II, a Michigan born, raised and schooled attorney, stumbled onto the campus of Wake Forest University. Attired in hiking boots, he interviewed for an opening in the law library. A year later, Zick found himself teaching courses at the law school.

Zick, a former recipient of the Michigan Scholar in College Teaching Award, obtained his jurist doctorate from the Wayne State University Law School and his Master of Library Science from the University of Michigan.

Zick has stayed busy since migrating to the sunbelt. He has served as the Director of Law Library Services where he has been able to introduce computer-assisted legal research to the law school. Additionally, he has served as the Acting Director of a clinical program which has evolved into one that is a model for others in this region. Zick has also employed his experiences as a former member of a national moot court team to coach numerous Wake Forest teams to an impressive winning record over the last six years. In recognition of Zick's achievements, the Alumni Association — labeling Ken Zick as "an invaluable asset to the law school" — presented him with a Distinguished Service Award in 1982.

Professor Zick has enjoyed the social atmosphere of Winston-Salem. He met his wife Pamela, who worked in the University Registrar's office, on the



campus quadrangle. The couple spent their first date at a WFU football game. They now live on Faculty Drive with their two children: David, age 5, and Leigh, age 3.

This summer, Zick was named Associate Dean of the law school. Responsibilities for the new dean can be categorized under three basic headings: academic affairs, business affairs, and student affairs. In the area of academic affairs, Associate Dean Zick will be the Chief Academic Counselor of students at the law school. His main concern in the academic area will be coordinating the assignment of courses, exams, and schedules. To increase his effectiveness in this respect, he plans to assemble a comprehensive student counseling handbook that will detail both school policies and student rights and privileges.

A second area that the new Associate Dean will be primarily responsible for is the business affairs of the law school. His duties in this capacity will entail developing and maintaining a balanced budget. Planning skills will also be required of the law school's business manager. As a result, Dean Zick spent a large portion of his first summer on the job devising a comprehensive model plan which is essentially an interactive computer program. This program will aid administrative decision-making in an effort to use the law school's resources in the most efficient fashion.

Dean Zick believes that his involvement with the student affairs of the law school (his third area of responsibility) will be the most personally satisfying facet of his new job. According to the Associate Dean, the primary task in student affairs is to "promote a meaningful dialogue between the law faculty and the student body." Here, too, ground has already been broken with the appointment of a new Dean's Advisory Committee consisting of law students who will work with the existing Dean's Advisory Committee. Part of Dean Zick's enthusiasm toward his work in student affairs emanates from what he calls the remarkable "congeniality of the law faculty at Wake Forest."

With these goals in mind, Associate Dean Zick hopes that his new job will make his future at the law school productive and challenging.

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## Academic Affairs

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Several changes in academic procedures and grading policies will be taking place as a result of recommendations made by a student committee.

In response to concerns about examinations and grades, the Student Bar Association formed an Academic Affairs Committee in the spring.

The student committee proposed several measures which they felt would improve the examination process and allow for a fair grading system. The law school student body overwhelmingly endorsed the committee's recommendations in a secret ballot vote.

This fall, the faculty adopted several proposals made by the Academic Affairs Committee, including the following:

- 1) a uniform average for all multi-section courses, with 75 established as the mean for all first-year courses and 77 as the mean for all upper level courses;

- 2) the offering of a practice exam in one course to all first-year students with model answers on file;

- 3) a more consistent Legal Bibliography program with less variations between the different sections; and

- 4) an exam-writing seminar for first-year students.

The Student Bar Association has also formed a Student Deans' Advisory Committee which will be meeting with Dean Scarlett, Dean Zick and faculty representatives on a regular basis.

"We're interested in having communications improve between students, the deans, and the faculty," said Kevin Leach, a third-year student who chairs the Academic Affairs Committee. "The administration is very sincere and understanding. We are all very hopeful and are looking forward to a good year of improved relations."

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## Law Day

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The annual Wake Forest University School of Law's Law Day Banquet was held March 24 at Bermuda Run Country Club.

A large gathering of students, alumni, and members of the faculty and administration enjoyed the evening, which featured Senator William Proxmire (D-Wisconsin) as the speaker.

Professor George Walker was presented with the **Jurist** Excellence in Teaching Award.

Entertainment was provided by "The Jazz Ensemble" from the North Carolina School of the Arts in Winston-Salem and by Innovations D.J. Service.

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## Law Review Changes Competition

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The Wake Forest Law Review annual Summer Writing Competition operated under a new format during its recent 1984 competition. The Law Review selected its new members from students who have completed their first year requirements while placing in the top ten percent of their class, and from first year students who qualify in a Writing Competition. This past summer's competition occurred immediately after the school year ended in May and allotted students two weeks to complete a mini-note which was limited to twelve typed pages and twelve pages of footnotes.

In the past, students entering the competition were given four weeks over the summer to write a note which was not

restricted in length. The students could select any four consecutive weeks out of a two month period within which to write their note. While students in the past were to do their own research, the 1984 competitors were given a fully integrated packet containing all of the cases and hornbook material which they were to use. Law Review Editor Kenneth Carroll commented that to use an outside source would be a violation of the competition's rules.

The changes in the competition were instituted to allow students equal access to quality materials and to relax the workload of students during the summer. Carroll stated that no changes are planned for the 1985 competition.

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## Placement Office Offers Diversity of Services

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Tucked away in a small corner of Carswell Hall, Diane Clarke and her staff conduct a highly successful and diversified placement service. Over 90% of the graduates in 1983 were employed in law related jobs within six months of passing the Bar. In the class of 1984, 59% were employed as of September 1. The service's success can also be measured by an increasing diversity of geographic opportunity for Wake graduates. Seventy-six out-of-state firms are collecting resumes this fall and of those firms, 42 will actually be conducting interviews at the school. This represents increases from 41 out-of-state firms who collected resumes last fall and 29 out-of-state firms who conducted interviews on Wake's campus. Sixty of the collecting firms are new to Wake Forest.

Wake graduates in 1984 have obtained positions in a wide variety of areas. Two have elected graduate study. Sixty-one are employed by firms. Four have joined CPA firms. The various JAGC Corps have employed six. Two each have been employed by corporations, federal and state governments. One student is active in legal education, while two hold non-legal jobs. Thirteen hold judicial clerkships. The classes of '85 and '86 have also done well. Eight percent of the class of '85 have already been offered post-graduate employment and over three-quarters of the class of 1985 held clerkships this past summer. Most of these figures are approximate and represent only those students who have reported their status to the Wake placement office; consequently, each statistic could be higher.

The placement service continues to offer a broad range of services both to students and to potential employers. These include a Placement Handbook which outlines the activities of the office and gives instructions in the art of resume and cover letter writing. It also publishes a Placement Brochure (fact book) which includes pictures and a short biography of all third year students, as well as pictures of all second year students. This book is provided to all potential employers.

For employers the service does more than just schedule interviews. It supplies resume packets tailored to special needs on short notice and serves as a clearing house for information.

The service's aid is also available to alumni who are looking for jobs. Part of this aid consists of a monthly alumni newsletter which devotes a large space to job openings.

As a part of its educational role, the placement office sponsors many seminars on a variety of topics. These seminars are held at 12:30 P.M. on various Wednesdays throughout the school year. Topics have included: judicial clerkships, interviewing techniques, and life as a law clerk in a number of major cities. A seminar held in early September was led by students and focused on their experiences working in Atlanta, Dallas, Milwaukee, Chicago and Orlando.

Any person who might wish to give a talk or seminar on any aspect of the legal profession is urged to contact the placement office. Such help would be greatly appreciated.

## Dean Comments on Bar Results

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The Wake Forest passage rate on the North Carolina Bar Exam was approximately 78% this July, according to information compiled by the Wake placement office. Sixty-eight out of eighty-seven who took the July exam passed. This represents an improvement over the passage rate of 74% last year. Well over a third of the class of 1984 will take out-of-state bar exams. While results from other states are not yet available, 91.5% of those who took out-of-state exams in 1983 passed.

This year, for the first time, all applicants were also required to pass the Multi-State Professional Responsibility Exam. The MPRE must be taken within either twenty-four months prior to taking the Bar or twelve months after taking the bar. Since not all persons who

passed the Bar had taken or passed the MPRE, the Bar Examiners decided to publish only the names of those who passed both examinations and were eligible for a license. No breakdown of the passage rate by school is available, according to Dean Scarlett. To learn how their students performed on the Bar, each school has been forced to contact all of their alumni individually.

While the improved performance of Wake Forest students on the North Carolina bar this year is encouraging, their performance has undergone a general decline over the past several years. Dean Scarlett cites a number of factors as possible causes of this decline. First, there has been some grade inflation here over the past fifteen years and possibly some students have grad-

uated who should not have. More importantly, however, the extreme lack of financial competitiveness between Wake Forest and the University of North Carolina schools of law has led to more of the best in-state students attending Chapel Hill. Wake's tuition is now approximately \$6,150.00; Chapel Hill's tuition for North Carolinians is only \$750.00. In addition, because Wake Forest now recruits on a national level, many of its best students are from out of state and do not take the North Carolina Bar. Finally, Wake has greatly improved its placement of students with major law firms outside of North Carolina. Thus, many of the better students have elected to practice out of state and have not taken the North Carolina Bar Exam.

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## Summer School Program in London, England

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During the summer of 1984, ten students from the Wake Forest University School of Law participated in a summer school program at Worrell House, the University's residence in London, England. Under the instruction of Professor Charles P. Rose, Jr., the students undertook a comparative analysis of British and American criminal procedure. The study emphasized search and seizure and confessions techniques.

Several guest lecturers, ranging from

legal historians and scholars to investigators from London's Scotland Yard, addressed the class on developments in British criminal law. The students were also invited to observe court proceedings in the Queen's Bench division of London's High Courts and in the Crown Courts.

Sir Peter Taylor, a High Court judge who visited Wake Forest University several years ago, provided an opportunity for the Wake Forest law students

to meet British students who were training to become barristers. Through this cultural exchange, the two groups of students were able to discuss and compare educational and work experiences.

After completing a month of studies in London, England, the Wake Forest students either returned to the United States or took the opportunity to travel through European countries.

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## Administrative Changes Announced

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The summer of 1984 proved to be a season of change in the administration of the Wake Forest Law School.

A major change occurred through the consolidation of the offices of the Associate Dean and Associate Dean for Academic Affairs into a single Associate Deanship. The two positions were formerly held by Leon H. Corbett, Jr. and Robert F. Clodfelter, respectively. The new position of Associate Dean will be occupied by Kenneth A. Zick II.

Zick, who previously served as Director of Law Library Services, will remain a member of the law faculty. In addition to his University Counsel duties, Leon H. Corbett will be the

Secretary of the Board of Trustees. Robert F. Clodfelter will continue his work with the law school as an adjunct professor.

Dean Zick's departure from the library has left a void that has currently not been filled. James B. Leonard, a law student on leave of absence from UNC at Chapel Hill, will serve as Acting Director of Law Library Services for this semester. Leonard has received both a B.A. and a M.L.S. from UNC at Chapel Hill. Sally A. Irvin has also been hired as the law school's new Media Services Librarian. Irvin has a B.A. and a J.D. from Stetson University, a M.A. from the University of South Carolina and a

M.A.L.S. from the University of South Florida. Additionally, Mary Louise Cobb will be the new Technical Services Librarian. Cobb has received a B.A. from Wake Forest University and a M.L.S. from Vanderbilt University.

Finally, an administrative change has been made in the management of the Wake Forest Continuing Legal Education program. In July, Lloyd K. Rector was appointed as the new director of WF-CLE. Rector, who did his undergraduate work at Wake Forest and later received a J.D. from Wake Forest Law School, is a retired U.S. Army Brigadier General.

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## Barnhill Discloses Closing Argument Tactics

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Wake Forest alumni Grady Barnhill returned to the law school on September 11th as a guest speaker in the Trial Bar lecture series. Mr. Barnhill, one of North Carolina's top litigators, is currently with Womble, Carlyle, Sandridge and Rice in Winston-Salem and spoke to Wake Forest students on the techniques of a closing argument. In his speech, Barnhill emphasized that a good closing argument appeals to human emotions and reactions. He stated "you have to think like a human being and not like a lawyer." Students were warned against appealing to be too inflexible or technical, and to "think about the broad brush" when considering what will impress a jury. Mr. Barnhill asserted that a good lawyer will tailor his closing argument to fit the jury or the community sentiment and will also be prepared for the unexpected.

Mr. Barnhill stated that "preparation for the closing argument should begin when the client enters the office." A good attorney will begin subtly conditioning a jury even as it is being selected. During the trial, Mr. Barnhill advised students to "keep a strong eye on the basic position of your client," warning that an opponent will attach any ridiculous position your case may take. The testimony presented to the jury should be repeatedly tied to one of the main themes which will be used in the closing argument. Mr. Barnhill warned that an

attorney must address any problem which surfaces in a case and for this reason he believes that good notes should be taken throughout the case.

During the closing argument, Mr. Barnhill advised students that they should be prepared to adopt one of several advocacy styles ranging from the "quite, logical lawyer" to the "screamer." This, Mr. Barnhill believes is "the most fun part of the trial" and he related to his audience many of his personal experiences in the courtroom. Grady Barnhill showed Wake Forest law students that, while personal experience and watching others are both useful in learning about the closing argument, much can be learned from the stories of experienced litigators.

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## Alumni Kellum on Trial Techniques

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In Carswell Hall, on September 7, 1984, alumni Norman Kellum ('65) lectured on the techniques involved in trial work. Kellum is a defense lawyer with Breaman, Kellum and Stallings in New Bern. His informal speech was aimed at giving practical advice to those students who intend to be trial lawyers.

Kellum stressed hard work, integrity and honesty as essentials for any good trial attorney. According to Kellum, Wake Forest graduates are known for their integrity and skill. Federal and state judges and many of North Carolina's most prestigious lawyers are among the school's graduates.

Kellum believes that a good attorney "will die before he'll give up." The good attorney never resigns himself and

always looks for a new defense or theory. Such hard work means thorough research with clients and witnesses to completely understand the facts involved in each case and to uncover "demonstrative evidence" to support the case. Kellum illustrated his technique of drawing upon demonstrative evidence by relating personal experiences to the group of students.

In addition to hard work, a good trial attorney has integrity. To Kellum, this means a lawyer has "got to be a cut above." He cannot set a bad example in the community: no "shacking-up," "bar-hopping," or even "silly" appearances. The lawyer's public dealings must not alienate anyone because his business depends upon how the public perceives him. According to Kellum, one should always tip one's town waitresses well. They are frequently asked to recommend lawyers.

In his presentation, Kellum emphasized the importance of honesty in one's legal practice. Although Kellum clearly believes honesty is important in every aspect of the lawyer's practice, it should also never be removed from the courtroom. "Be so honest to the court that it hurts." A judge expects and demands honest.

The remainder of Kellum's lecture consisted of straight forward suggestions for the preparation and litigation of a case. Throughout his speech, he stressed diligence, ethics and sincerity. Kellum's last, and in his opinion, best piece of advice concerned a lawyer's attitude when practicing law. "Be the boy or girl Mama and Daddy sent off to college: good, honest, not greedy, helpful, considerate. Don't let an education change you."





## David Tanis:

David Tanis, a 1976 Wake Forest Law School graduate, recently made a career change: he resigned from his Forsyth County District Court judgeship and re-entered private practice. As a judge, Tanis was somewhat frustrated. "Being a judge is like living life in a fishbowl. It's different to get to know people and get involved. I needed to be more involved and active. I found I was sitting around too much." Tanis' decision to become a private practitioner is reflective of his personal philosophy and outlook. Tanis has a positive attitude and a rare and special enthusiasm for living life to its fullest. He is a man on the move.

Tanis' personal philosophy is actually a type of work ethic. He states that, "if you want something, you have to work for it." In life, one must work for both career and personal goals. Tanis is a firm believer that an individual must strive to accomplish his or her goals. Success is worked for, not simply given to a person.

Tanis lives his beliefs. For instance, when he wanted to go to college, he realized that, financially, he would have to pay his own way. Therefore, he worked to receive a basketball scholarship at Lehigh University. He was also employed as a dishwasher in order to receive free meals. Tanis did not feel compelled to ask for help when he was able to help himself.

Tanis also has strong beliefs on social and political issues. The providing of incentives and goals in social welfare and unemployment programs is of importance to Tanis. For example, in discussing aid for handicapped persons, Tanis does not believe that most people should be given outright financial support. Rather, they should be given job opportunities in which particular talents and abilities can be utilized. In this way, handicapped persons can become independent, rather than having to rely on social programs. "If you tell a handicapped man that he

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# A Man on the Move

can't do it, then he can't do it. If you tell him to show up at 9:00 on Monday morning, he'll be there and he'll get the job done. The difference is the attitude."

Tanis has an interesting and unique perspective on the problems of handicapped persons. He was wounded in Vietnam by a mortar blast and, consequently, lost both of his legs. It is difficult to determine whether his injury shaped his outlook or whether his personal philosophy influenced his ability to cope with the injury. The latter is more likely: "I could handle going [to Vietnam] and getting killed or wounded. There's only one thing I couldn't handle and that was being taken prisoner."

Tanis' presence in Vietnam was voluntary. He entered the Army after graduating from Lehigh University and then entered the Special Forces and Paratroopers. He remained in the Army Reserves while working for Bloomingdale's in New York City, and later volunteered for active duty during the Vietnam War. He was called to Vietnam in 1969 and fought for two years until he was wounded in 1971.

Tanis spent two years in Walter Reed Hospital in Washington, D.C. recovering from his injuries. As for how he managed to endure the long convalescence, he stated: "I can't tell you how many times I heard the phrase 'where there's a will, there's a way,' and that's the truth. It's all in the attitude." He added: "The nurses hated us," and proceeded to relate some anecdotes about wheelchair races and other activities not necessarily in keeping with a convalescent atmosphere. "We kept on instigating activities to keep us mentally up."

Tanis' experiences affected his outlook from the bench. "I don't have much sympathy for persons claiming disability. I only have sympathy for those who really need it."

People who come to court with excuses for not

maintaining child support, failing to pay alimony or for passing forged checks because of a claimed "disability" do not receive a warm welcome from Tanis. He related what he termed an "ongoing vignette" of a local citizen and his wife who frequented his court on charges of mutual assault and battery, resulting from "too much alcohol and too much temper." When Tanis inquired as to why the husband was unemployed, the man stated that he was disabled. After fruitless discussion concerning the extent of this person's "disability," Judge Tanis removed one of his artificial legs, placed it on the bench, and stated, "And this is my *good* leg. Now do you want to talk about disability?" The result of this exchange is that the man still has a problem with alcohol but has a much better attitude about getting a job.

Conversely, Tanis has tremendous admiration for "achievers." In fact, the best attitude he's ever encountered belonged to a completely disabled person. By jerking his body in his wheelchair, the man was able to move about. He refused to allow this limitation to hinder him in any way. He maintained a regular job with the Winston-Salem Journal, initiating and writing the "Handicapped Mailbag."

Both anecdotes are indicative of the same sentiment: Dave Tanis has little sympathy for malingerers and complainers but tremendous admiration for achievers. The only difference in the two types of people is their personal outlook and attitude. Reiterating what he stated earlier, "if you believe you can do it, you'll do it."

Where does this leave Dave Tanis today? He's looking forward. His major concern for the future is that he'll fall into "the most common attorney pitfall — we start to get lazy and take shortcuts. I don't want that to happen to me." Considering Dave Tanis' perspective, getting lazy does not seem to be very likely.

# Alumni Elected to Top N.C. Bar Posts

## *Justice Meyer*



The career and life of Wake Forest University Law School graduate, Justice Louis Meyer, have been diverse. Justice Meyer, North Carolina Supreme Court Justice and recently elected vice-president of the North Carolina Bar Association, graduated from the law school in 1960. Following graduation, Meyer clerked one year for the North Carolina Supreme Court under the late Chief Justice R. Hunt Parker. Subsequently, Justice Meyer was employed with the Federal Bureau of Investigation and was assigned to Houston, Texas for

one year. Justice Meyer then returned to his hometown of Wilson, North Carolina where he practiced law for eighteen years with the firm of Lucas, Wrenn, Rose, Meyer, Jones & Orcutt.

Justice Meyer began his career as a North Carolina Supreme Court Justice when he was appointed to the position in January of 1981. After winning the 1982 election, Justice Meyer began his term which will end in 1986.

Involved with the Bar Association for many years, Justice Meyer has been President of the Wilson Bar Association, President of the 7th Judicial District Bar Association and has been on several committees of the North Carolina Bar Association.

The development of Wake Forest University, the law program and the law school's graduates are of chief concern to Justice Meyer. His interests are deeply rooted as both his father and son attended Wake Forest University as undergraduates and later as law students.

Justice Meyer advises young lawyers to engage in the highest quality of practice. Meyer states that "more consideration of legal ethics is the guiding point of practice."

Justice Meyer believes that graduating law students today are better prepared than those who graduated in the past. This, he believes, is due to recent developments in law school education. According to Meyer, accelerated competition, excellent moot court courses, appellate advocacy programs and the use of computers account for the recent attorneys who have entered practice well trained and highly prepared.

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*Four Wake Forest Law School alumni were elected to offices in the N.C. Bar Association at its annual meeting in June.*

*Justice Louis Meyer was elected vice-president of the association. Rhoda Billings, Anita Kinlaw and Charles Lane were three of the six newly-elected members of the Board of Governors. Another Wake Forest Law School graduate, Jay Donald Cowan, ends his three-year term on the Board of Governors next year.*

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## **Rhoda Billings**

Many current as well as former Wake Forest law students know Rhoda B. Billings, class of 1966. When Billings started her term on the N.C. Bar Association Board of Directors in 1982, she brought with her a plethora of experience: she has taught classes ranging from Civil Procedure to Constitutional Law to Suretyship; she worked as a bankruptcy trustee and served as an N.C. District Judge for four years; and has worked as a partner in the Winston-Salem law firm of Billings, Burns and Wells.

Billings, who graduated from Berea College in Berea, Ky., has been teaching at the law school since 1973. She currently is on a one-year leave of absence. When she attended law school she did not have the time nor the opportunity for extracurricular activities. "I spent most of my time raising babies," Billings said, adding that she had a three-year-old and 10-month-old when she started law school. Wake Forest had no intercollegiate law review, although she was an associate editor for its intramural law review. She could not join any legal fraternities because they did not accept women members.

"There is maybe less emphasis on putting as much effort into class work (now), and more than that, there's less conversation about the law among the student body . . . because the people have these other things to direct their attention to," states Billings.



Billings credits Wake Forest law school, and especially Dr. Hugh Divine, "the master Socratic teacher," with instructing her to "look through the facts and find the crux of the legal problem" in any case. That skill is one she uses today in her general practice. It's also a skill she has used in her work with the North Carolina Bar, which she joined in 1966. Since then, Billings has served as chair of the Criminal Law Committee, and founding chair of the Criminal Justice Section. She also lectures in N.C. Bar Association CLE programs and has taught the Bar Association's review course for several years.

## Anita Kinlaw

Anita Kinlaw ('75) is one of three trustees for Bankruptcy Chapter 13 cases in the middle district of North Carolina. In her role as trustee, Kinlaw explains that she must represent the interests of both creditors and debtors. In representing these conflicting interests, Kinlaw and her staff make proposals to the debtor's attorney on how to budget and project the debtor's future wages and earnings. By helping the debtor budget his resources, both he and the creditor are put in more advantageous positions than they would have been had the debtor sought to discharge his debts

through simple liquidation.

Kinlaw has been involved with bankruptcy work for the past nine years and her abilities as an outstanding attorney have been recognized. Thus, Kinlaw was recently elected to the Board of Governors for the Bar Association of North Carolina. As a member of this Board, Kinlaw helps the Association make policy decisions affecting the 6,800 members in North Carolina. Kinlaw has also been the President of the National Association of Chapter 13 Bankruptcy Trustees.

When asked what advice she would

give to future attorneys, Miss Kinlaw replied, "I try not to give advice, just opinions." When pressed for an opinion, she expressed a hope that young attorneys would become involved in local and state bar associations because she finds it helpful and rewarding to work with attorneys in an atmosphere other than the courtroom. She also recommended that future lawyers find some time to enjoy themselves socially. However, Kinlaw, herself, finds it difficult to find that happy medium between a successful career and an enjoyable social life.



## Charles T. Lane

Charles T. Lane, 52, graduated from Wake Forest College in 1954 and completed law school within two years. He was among the last law school class which graduated on the old Wake Forest campus. Lane will begin his three year term on the North Carolina Bar Association Board of Governors this year.

Now a senior partner with the Rocky Mount firm of Spruill Lane Carlton McCotter & Jolly, Lane has been a member of the North Carolina Bar Association for approximately 30 years. Last year, in keeping with his keen interest in the management of the law firm, Lane helped establish the Law Office Management Section of the firm.

Lane believes that law school has changed drastically since his days as a student. "When we went to law school, we worked all the time . . . We studied seven days and seven nights a week. We didn't do anything but study — and hope we passed the bar," he said.

Lane joined his present firm in 1961 after working one year in Bergaw, Pender County, and three years as associate general counsel of the House Education Labor Committee in Washington, D.C. Today his civil practice is limited to banking, other financial work and spare time to work with the North Carolina Bar Association, the Academy of Trial Lawyers and the Continuing Legal Education programs.

## Jay Donald Cowan, Jr.

When thinking of his years as a Wake Forest law student, the words that come to mind of Jay Donald Cowan, Jr. are "Integrity, ethics and good solid legal education." Cowan, 40, ends his three-year term on the North Carolina Bar Association Board of Governors next year and has found these traits to be an aid both in his tenure as board member and as a partner with Smith Moore Smith Schell and Hunter in Greensboro.

"The education I got at the law school has helped me identify the questions that need to be raised in the cases I've had,"

said Cowan, who graduated from Wake Forest in 1965. Cowan joined the bar in 1973, following a four-year stint as an attorney for the Army JAGG Corps in Vietnam and Europe. He is the former chair of the Bar Association's Young Lawyers Division and has been vice chair of the Litigation Section, as well as a member of the Continuing Legal Ethic Committee.

Cowan is quick to comment on changes he sees in the law school. "When I was in law school, the faculty was composed of legends in their own time.

Today you probably have the beginnings of the same thing in a lot of younger professors, but you've also got a broader, more diverse faculty. And I think that's good . . . (although) more needs to be done in both the library and the building itself." Cowan, a member of the school's Law Alumni Executive Committee, strongly supports the expansion of both the library and the law building. "More room will lead to more classes and better teaching."

## '83 Graduates Open Own Firm



Three graduates of Wake Forest University School of Law have established themselves in private practice in downtown Winston-Salem. Located on the fifth floor of the NCNB Building, Brant H. Godfrey, Dudley A. Witt and Steven P. Yova practice law in the firm of Godfrey & Witt.

Eleven months ago the partnership was formed after the alumni, who were acquaintances in law school, attended a Practical Skills Course in Raleigh. The firm also has an office in Pilot Mountain, N.C.

While the firm is primarily engaged in general civil and criminal law, much of their business is in the area of real estate.

The partners, while independent by nature, have blended unique and individual personalities in creating and operating a successful business organization.

Both Godfrey and Witt have lived in the area for several years; as a result, both were able to immediately bring clients into the firm.

Yova mainly works out of the firm's office in Pilot Mountain. Witt stated that "while the market in Winston-Salem is kind of tight for young attorneys starting out, there is more of a need (for legal services) in Surry County."

The young attorneys feel that the Winston-Salem legal community has been very supportive of their venture. Local judges have been generous in appointing cases to the group.

In relating their experiences as recent law school graduates who have "hung out their own shingle," the group believes that they have been very

fortunate. They believe that the location of an office and community involvement are very important when establishing credibility in a firm.

The group has carefully planned their success. Witt believes that it is important to study trends in the law. The lawyer must "look ahead . . . to see what type of legal work will be in demand during a specific period." More importantly, however, Witt emphasized that the young lawyer must "get out and hustle . . . meet people in 101 million ways."

The three partners are very involved in the Winston-Salem community. Civic services are of priority to the group. Politically active, Godfrey is the Chairman and Witt the Vice-Chairman of the Forsyth County Young Republicans.

In commenting on recent law school graduates who have and who would like to establish themselves in business, Godfrey says, "The legal profession is moving into an era of 'mega' firms, but any law student who has a sense of independence and confidence in himself can move into a small firm situation — if he can get through the first year." The first year, echoed Witt, is very critical. During that year, the young attorney must establish credibility and rapport with clients. Further, Godfrey believes that the lawyer should "never forget (his) first clients . . . the people who gave (him) an opportunity before (he has) established a reputation . . . these people will always be special."

The firm plans to expand in the future. Godfrey is positive: "We have been fortunate and expect to continue to be so."

## News From Wake Forest CLE

The Wake Forest Continuing Legal Education Program is tailored to meet the needs of practicing attorneys and to keep them informed on recent developments in the law and to expand and more fully develop their basic legal education. According to Lloyd K. Rector, the new director of CLE, the program will hopefully be not only informative but will also be challenging, enabling the participants to broaden their perspectives.

Students as well as practicing attorneys can benefit from WF-CLE publications. Two new publications have been announced this year, along with one updated handbook and annual. These publications pertain to practical skills involved in the practice of law. WF-CLE has developed a series of works, referred to as the N.C. Practitioners Practicing Law Library, which consist of handbooks that address the substantive aspects of the law. Also included in the series are manuals which help the attorney with the practical matters involved in the practice of law. Subsequent to the publication of a handbook or manual, an institute is scheduled by WF-CLE to explain the new books.

The handbooks are provided to the participants at the CLE Institutes and lectures are led by those people who drafted the particular manuscript. A majority of those who contribute to the publication are active practitioners who have distinguished themselves in their field. However, law professors also contribute to the publications. If an attorney is unable to attend an institute, he can purchase a publication by writing to WF-CLE.

The purpose of the institutes are three fold: first and most important, participants hear speakers and receive the publications; second, the institutes serve as a forum of exchange for professional ideas; and third, they allow for social interaction between N.C. attorneys. Some institutes last only one day or half of a day, but some last as long as two days. The two-day institutes usually start on a Friday and end on Saturday afternoon.

Institutes are conducted at locations throughout the state. Most of the lectures are held in Raleigh, Asheville, Winston-Salem, and Charlotte. In the 1983-84 season over 1,600 people attended the lectures. This figure represents approximately twenty percent of

# Alumni News and Features

the total membership of the N.C. Bar. The Wake Forest Continuing Legal Education Program is the largest university-sponsored program of its type in the state.

The most recent CLE publications are the *N.C. Law Office Management Handbook* (1984), which deals with all aspects of establishing and running a law office in North Carolina. Another recent release is the *N.C. Estate Planning Practice Manual* (1984). This manual is part of a transactional package which includes the *N.C. Will Drafting and Probate Practice Handbook* (1983). Also, the *N.C. Family Law Practice Handbook and Manual* (1982) and has been updated and replaced by a 1984 edition.

Manuscripts published over the past three years by CLE include: *N.C. Trial Book-Civil*; *N.C. Trial Book-Criminal*; *N.C. Tort Practice Handbook* and *N.C. Tort Practice Manual*; *Business Practice Handbook* and *Business Practice Manual*; *N.C. Real Property Practice Manual* and *N.C. Real Property Practice Handbook*; *N.C. Worker's Compensation Manual*, and *N.C. Professional Malpractice*. Supplements to the handbooks are also available. The publications can be purchased from the WF-CLE office at Wake Forest School of Law. (A publication order form is inserted in this edition of the *Jurist*.) Copies of the handbooks, manuals, and supplements can also be found in the Reserve Room of the Wake Forest University School of

Law Library.

These include: *Defending Criminal Cases*, September 14, 1984 to be held in Raleigh; *Trying Civil Cases*, September 28, 1984 in Raleigh; and *N.C. Contract Drafting and Practice Institute*, November 9 in Raleigh.

In addition, three specialization programs are planned to be given in Winston-Salem, they are: Real Property Practice, October 26-27; Estate Planning/Probate, November 2-3; and Family Law Practice, November 16. During the Spring of 1985, the Fifth Annual Review, N.C. Institute will be held to facilitate coverage of legislative changes. Registration for the Institutes can be made through the WF-CLE office at the law school or "at the door" of any meeting.

The new Graylyn Conference Center.



## Lawyer Alumni Set Their Sights on 1984-85

The eighth annual Lawyer Alumni Executive Committee Summer Planning Conference was held July 26-29 at Graylyn Conference Center. Twenty of the twenty-eight members of this organization were in attendance.

The tone of the meeting was established early by President-Elect D. Clark Smith ('72, J.D., '75) who said, "I genuinely believe that our Law School is about to embark upon a path that will address problems and find solutions, the likes of which we have all worked and hoped for."

President H. Grady Barnhill, Jr., (J.D. '58) presided over the conference that heard a report from Dean John D. Scarlett. Scarlett addressed the progress made in 1983-84 and noted expectations for the School of Law's upcoming year. Particular emphasis was given to the new University planning program for the School of Law. Dr. John Anderson, Vice President for Administration and Planning (who is heading up a long-range study) discussed the study's importance and cited advancements that have been made to this point.

Similarly, Associate Dean Kenneth A. Zick reported on the results of a questionnaire designed to measure alumni attitudes toward many facets of lawyer education. The questionnaire was completed by the Lawyer Alumni Executive Committee and the Law School Board of Visitors. In addition, Julius Corpening ('49), Director of Development, presented proposals and alternatives that the Law School may address with regard to the Law School building.

Another thrust of the conference concentrated on areas needing alumni involvement. These areas were in reports on admissions, placement, Continuing Legal Education and capital development. These reports were presented by Melanie Nutt from the Admissions and Financial Aid office; Diana Clarke, Director of Placement; Lloyd Rector, '53; the new Director of Continuing Legal Education; and Julius Corpening, respectively.

President Barnhill also presided over an alumni activities workshop which charted plans for 1984-85 alumni

gatherings. Clark Smith then presided over the Law Fund workshop which established goals of \$375,000 with 63 percent alumni participation for the 1984-85 Law Fund Campaign.

At the Saturday evening banquet, G. William Joyner, Jr. ('66), Vice President for University Relations, presented to Barnhill as representative of the lawyer alumni, the CASE U.S. Steel Award certificate and Mobius strip. Joyner said that the percentage of lawyer alumni giving added significantly to the winning of this award. He also noted that with the campaign just concluded, over \$3 million has been raised from supporters of the Law School since 1970. He stated that, "Certainly it can be said that the Lawyer Alumni have been an integral component in helping us win this award."

New Lawyer Alumni Executive Committee members in attendance were: R. Lewis Alexander, Sr., ('42) of Elkin; Frederick (Chip) L. Cooper ('71) of Atlanta, Georgia; Ms. Linda W. Stott ('80) of Raleigh; and Student Bar Association President Ron Spivey.

# Precluding Unfairly Prejudicial Evidence: The Potential Impact of Rule 403

By M. Gordon Widenhouse, Jr.<sup>1</sup>

The threshold inquiry regarding a question of evidentiary admissibility is relevancy. Evidence will not be considered admissible until it first hurdles the requirement that it have a logical tendency to prove a material fact in issue.<sup>2</sup> Merely satisfying this initial test does not guarantee admissibility. Relevant evidence may still be inadmissible because it is hearsay<sup>3</sup> or privileged,<sup>4</sup> for example. With the adoption of the new North Carolina Evidence Code,<sup>5</sup> the issue of proffered evidence's relevance will become even more important. This result stems from Article 4 of the Code which concerns relevancy. One of the fundamental changes in the law of evidence in North Carolina wrought by the new Code involves Rule 403.

Some evidence, although probative of a matter in issue, also tends to prejudice or

confuse the jury, or simply wastes judicial time. One commentator explains the situation as follows:

It is generally accepted that the trial judge should exclude circumstantial evidence, even though logically relevant, if its probative value is 'outweighed' by the risk that its admission will (1) consume too much time, or (2) unnecessarily confuse the jury concerning the issues to be determined, or (3) tend to excite the emotions of the jury to the undue prejudice of the opponent, or (4) unfairly surprise the opponent, or (5) unnecessarily embarrass the personnel of the court, the litigants or the public. These bases of exclusion find their roots in traditional policies formulated for the administration of trials before judicial tribunals, particularly jury cases.<sup>6</sup>

The drafters of the new evidence Code

recognized this phenomenon and adopted Rule 403. Rule 403 codifies the common law power of the judge to exclude this evidence, although relevant, "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Thus, the rule is designed to forge a balancing between relevance, or probative value, and undue prejudicial effect.

The purpose of this article is to briefly examine Rule 403. First, the language of this rule is examined. Second, an inquiry is made concerning the philosophy of the rule, with an eye toward its development and application under the federal rules of evidence. Finally, a projection is given regarding the potential effect of this rule in North Carolina.

1. M. Gordon Widenhouse, Jr. is 1981 graduate of the Wake Forest School of Law. He is currently Assistant Appellate Defender in Raleigh, N.C. This article will be presented in its entirety in *An Analysis of the New North Carolina Evidence Code: Opportunity For Reform*, 20 Wake Forest L. Rev. 1 (1984). Many of the ideas expressed herein were conceived and developed in discussions with both Laura E. Crumpler, Esq., of Young, Moore, Henderson & Alvis, Raleigh, NC, and the Honorable James G. Exum, Jr., of the Supreme Court of North Carolina. See Crumpler & Widenhouse, *An Analysis of the New*

*North Carolina Evidence Code: Opportunity for Reform*, 20 Wake Forest L. Rev. 1 (1984); Widenhouse & Exum, *Relevancy: A Definition and Some Limitations*. Paper Presented at the North Carolina Bar Association Seminar on the New Evidence Code (March, 1984). These two colleagues deserve much of the credit for the insights contained in this article. The author assumes full responsibility, however, for any errors.

2. See *State v. Banks*, 295 N.C. 399, 412, 245 S.E.2d 743, 751 (1978). See also N.C. R. Evid. 401 (relevant evidence is any

evidence which tends to make a fact of consequence more or less probable than it would be without the evidence).

3. Hearsay evidence would be an out-of-court statement offered to prove the truth of the matter asserted.

4. An example of privileged information would be statements between a doctor and a patient.

5. The new rules of evidence are codified in Chapter 8C of the General Statutes and became effective on 1 July 1984.

6. Trautman, *Logical and Legal Relevancy — A Conflict in Theory*, 6 Vand. L. Rev. 385, 392 (1952).

## I. Language of Rule 403

The rule, which is identical to Fed. R. Evid. 403, lists six reasons which may lead to the exclusion of otherwise relevant evidence. Most notably, evidence unfairly prejudicial may be excluded.<sup>7</sup> An occasional North Carolina case has mirrored an application of this principle,<sup>8</sup> although the cases are not numerous. Rule 403 espouses the notion that some evidence is simply too prejudicial to be heard by the jury; it will cause the jury to decide an issue on the basis of emotion rather than reason. As the Advisory Committee Note to Rule 403 states, the idea of unfair prejudice "means an undue tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one." With the advent of Rule 403, North Carolina courts will have the opportunity to provide an additional guarantee that juries make reasoned rather than emotional decisions.

The remaining five reasons for exclusion deal more with pragmatic considerations of the trial process. Confusion of the issues and misleading the jury are categories which allow the exclusion of evidence which may strain the mental capacities of jurors. Since jurors are human beings they can be expected to comprehend, assimilate, and reflect upon only a limited amount of data.<sup>9</sup> The final three rationales — undue delay, waste of time, and needless presentation of cumulative evidence — seek to preserve precious judicial resources, including time, when the challenged evidence is only slightly probative.<sup>10</sup>

In situations where these five grounds for exclusion might come into play, the balancing test would favor admissibility, suggesting that the prejudice flowing from the confusion or delay should be overwhelming before the evidence would be excluded.

Absent from the list of grounds for excluding otherwise relevant evidence is undue surprise. Omitting this reason from Rule 403 comports with the common law rule. Indeed, Wigmore considered the element of surprise to be the critical edge, one which those adept at the process could use by "reserving . . . evidentiary resources until the final moment, to marshal them at the trial before (a) surprised and dismayed antagonist . . ."<sup>11</sup> The modern approach to the trial process differs from that at common law with the advent of broad discovery rules in civil cases and both constitutional and statutory requirements for pretrial disclosure in criminal cases. Unfair surprise stands as a less likely event in the current judicial process.<sup>12</sup>

## II. Philosophy of Rule 403

The significance of Rule 403 is its explicit requirement that the probative value of each item of evidence be balanced against any unfair prejudice which might result from its admission. The rule is one of exclusion; it provides no basis for which evidence, otherwise rendered inadmissible under some other rule, might be admitted.<sup>13</sup> An understanding of the rule and its ultimate effect hinges on the rule's

balancing process. Three aspects of this process merit consideration. First, the trial judge remains the key actor in applying the balancing test. Second, an assessment must be made of the weight placed upon both ends of the scales, *i.e.*, probative value and unfair prejudice. Third, the scope of this rule must be evaluated vis-a-vis other rules specifically allowing admission of certain types of evidence.

All evidence, if it advances its proponent's case (in other words, if it is probative) is prejudicial to the adversary. Trial lawyers will waste time and probably infuriate judges by objecting to every piece of evidence under the guise of Rule 403. The rule is designed for evidence which is *unduly*, or *unfairly*, prejudicial and only minimally probative; it should not be abused.

The trial judge is vested with some discretion to invoke Rule 403. Given the judge's broad discretion, the process with which to strike the balance becomes critical. The courts will have to decide how this balance will be struck. The answer to this question is perhaps the most salient issue which the courts will face concerning Rule 403. The scholars are divided on the appropriate balancing standard.<sup>14</sup> Some commentators have suggested a "slight" presumption favors admitting the evidence when the balance is close.<sup>15</sup> To overcome the presumption, the opponent should only have to establish some demonstrable prejudice. Placing too great an emphasis upon the evidence's probative value

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7. See *Dollar v. Lang Manufacturing, Inc.*, 561 F.2d 613 (5th Cir. 1977), *cert. denied*, 435 U.S. 996 (1978).

8. See *State v. Rinaldi*, 264 N.C. 701, 142 S.E.2d 604 (1965) (excluding evidence prejudicial to defendant).

9. See, e.g., *United States v. Steffen*, 641 F.2d 591 (8th Cir. 1981) (in suit for misapplication of bank funds, defendant precluded from showing that bank's

former owner committed similar acts without being prosecuted because this evidence would confuse the jury); *United States v. Marchesani*, 547 F.2d 1291 (6th Cir. 1972) (precluding the recitation of facts regarding charges against the complaining witness because it would merely confuse the jury).

10. See, e.g., *Bob Maxfield, Inc. v. AMC*, 637 F.2d 1033 (5th Cir. 1981) (plaintiff precluded from offering the testimony of

two dealers because defendant would offer the contrary testimony of two thousand dealers in response); *In re Air Crash Disaster at JFK International Airport*, 635 F.2d 67 (2d Cir. 1980) (evidence of prior payments of some damages by government judged inadmissible as being misleading); *United States v. AT&T*, 498 F. Supp. 353 (D.D.C. 1980) (lengthy FCC report excluded in antitrust action).

(thereby assuring that the balance almost always tips in favor of admission), eviscerates the clear thrust of Rule 403. The proffered evidence should, of course, be given its probative value. The other side of the scale should hold the full, potential prejudice of the evidence, reflecting an assumption that the jury will attach full meaning to this evidence. Indeed, Rule 403 incorporates the philosophy that the jury would be so affected.

Vesting broad discretion in the trial judge should not cause the appellate courts to shirk their responsibility to put teeth into Rule 403. Certainly the appellate courts should consider the efforts of the trial judge to insure fairness and to minimize prejudice when evidence is admitted in spite of Rule 403.<sup>16</sup> Despite the best intentions of trial judges, evidence will be admitted which, under Rule 403, should have been excluded. When these events occur, the appellate court must step into the situation. Rulings must be reviewed where the facts and circumstances suggest that the trial has been prejudiced. Otherwise Rule 403 will be void of substance.

At both the trial and appellate levels consideration must be given to both the probative value and prejudicial effect of evidence challenged under Rule 403 in context of other evidence in the case. An example is illustrative. In a criminal case, the prosecution might offer evidence that a defendant had committed a similar act in the same fashion, attempting to identify defendant as the perpetrator. The evidence

would be probative and very prejudicial. If, however, the state also had two eye-witnesses who identified defendant as the perpetrator, the probative value of the "other crime" evidence would be reduced considerably. In that case, the evidence's prejudicial effect outweighs its probative value. It is important, therefore, to assess both probative value and prejudicial effect in light of the facts and circumstances of each case. The same evidence might have less probative value in one case than it would have in another due to a difference in fact situations.

Finally, one must consider how Rule 403 interplays with the other evidence rules. Specifically, Rule 403 should be read as a threshold rule, of sorts, which operates to exclude evidence, despite its admissibility under other rules, because the evidence is unduly or unfairly prejudicial. Several considerations support this conclusion.

First, this rule is grouped in Article 4, dealing with general relevance. Second, the rule states that it does not come into play unless the evidence is relevant and, hence, presumptively admissible. If, for example, hearsay evidence, admissible under a particular exception, possessed only slight probative value but was abundantly prejudicial, it would defy the spirit of fairness contemplated by Rule 403 to admit it. Merely because an item of evidence satisfies a hearsay exception would not make it necessarily admissible, in light of Rule 403. This rule erects a standard of relevancy which *every* item of evidence

must meet.

A reasonable approach is warranted in using Rule 403. Less drastic alternatives to exclusion can be used including the giving of limiting instructions and, where feasible, excising the prejudicial portions of the evidence. It is especially important for both judges and litigants to be cognizant of these remedies. Such remedies become important when the challenged evidence is of central significance in the proffering party's effort to prove its case. Rule 403 exists to protect litigants from unfairly prejudicial, confusing, or cumulative evidence; not to create an impenetrable barrier to proof of one's case. Alternatives to exclusion, when available, should be used.

Rule 403 has not caused the evolution of a mechanical approach in the federal system, and none should develop in North Carolina. Nevertheless, federal judges, while striving for evenhandedness, seem to encounter difficulties in balancing the pertinent factors under Rule 403. The same dilemma can be expected in this state. Thus, litigants should be aware of the problem and attempt to ease the judges' burden in this area. Offers of stipulation, in addition to suggested alternatives noted earlier, would be of significant help. Likewise, the appellate courts must play an active role in *defining and enforcing* standards for the balancing process.

### III. Effect of Rule 403 in North Carolina

In determining the effect of Rule 403 on North Carolina practice, it is instructive to

11. 6 J. Wigmore, Evidence § 1845 at 375-76 (3d ed. 1940).

12. North Carolina courts, in dictum, have apparently recognized surprise as a basis for exclusion of evidence which has slight probative value. See I. H. Brandis, *Brandis on North Carolina Evidence*, § 77 at 287 n.10 (2d ed. 1982) No cases, however, have held this position. Rule 403 probably makes these dictum statements no longer applicable as a rule of evidence.

13. S. Saltzburg & K. Redden, *Federal Rules of Evidence Manual* 115 (2d ed. 1977).

14. Compare I. J. Weinstein & M. Berger, *Weinstein's Evidence*, 403-25 to 403-27 (1983) (suggesting that trial courts assign evidence its maximum probative value balanced against its minimum prejudicial effect since the rules favor admissibility) with Dolan, *Rule 403: The Prejudice Rule in Evidence*, 49 So. Cal. L. Rev. 220,

233 (1976) (urging that all doubts be resolved in favor of the prejudicial effect of the evidence).

15. Saltzburg & Redden, *supra*, note 13 at 115.

16. See *United States v. Robinson*, 560 F.2d 861 (2d Cir. 1977) (deference to trial court in light of steps to minimize potential prejudice of witness' testimony concerning defendant's possession of a .38 caliber revolver).

examine briefly the evolution of North Carolina's common law rule. The prior North Carolina rule was not a general one of exclusion. Rather it supplied the reason or basis for a number of other specific rules of exclusion.<sup>17</sup> The new rule changes this situation. Rule 403 will operate, then, as a specific rule of reason rather than as the *raison d'être* for other exclusionary rules. Although North Carolina courts have at times balanced probative value with prejudicial effect, a more common approach has been to find the challenged evidence either irrelevant or incompetent.<sup>18</sup> This approach differs markedly from the one contemplated by Rule 403.

In the early case of *State v. Galloway*,<sup>19</sup> the North Carolina Supreme Court gave an indication of how it would analyze a situation involving unduly prejudicial evidence. Relying on several of its prior decisions, the court explained that a trial judge "should exclude evidence which is foreign to the controversy, or insufficient, or wholly collateral, or harmful in its tendency only to arouse prejudice or excite passion or warp the judgment of the jury."<sup>20</sup> At first glance, this principle appears to resemble Rule 403. Close scrutiny reveals, however, that it is significantly different. The North Carolina approach excludes evidence which is "foreign to the controversy" or "wholly collateral." It speaks of evidence which has a tendency "only to arouse prejudice." In short, it says nothing of evidence which is relevant, yet prejudicial. It requires no balancing of the probative value of *relevant*

evidence against its unfair prejudice.

While North Carolina courts may, on occasion, consider balancing probative value against prejudicial effect, the more common approach of the state courts has been to require exclusion because the challenged evidence was irrelevant or incompetent.<sup>21</sup> Irrelevant or incompetent evidence is inadmissible on relevancy grounds generally. Thus, the prior North Carolina approach amounts to only a harmless-error analysis, suggesting that inquiry into evidence's prejudicial effect commences only when the evidence was *inadmissible* in the first place. Rule 403 mandates a markedly different methodology, since it assumes the relevancy of the challenged evidence. Irrelevant or incompetent evidence is excluded before any inquiry begins under Rule 403.

Under Rule 403, even if the proffered evidence is relevant, its probative value must still be weighed against the undue prejudice it creates. Herein lies the salient distinction between the new rule and the old North Carolina practice. The absence of an unduly prejudicial effect in otherwise relevant evidence essentially becomes a second, threshold requirement for admissibility. Prejudicial impact is no longer a concern relating merely to evidence which is, at the outset, incompetent and irrelevant. This challenge to the admissibility of any evidence, based upon its unduly prejudicial effect, will now avail itself to the opponent of that evidence. The new rule provides a critical change in the evidence law of this state by expressing, in clear and certain

terms, that evidence is inadmissible which is unduly prejudicial, confusing, misleading, or wasteful.

## CONCLUSION

Rule 403 offers the courts of North Carolina an opportunity to develop a new approach to evidence which is prejudicial, confusing, or cumulative. By its terms, it provides a guideline whereby courts may exclude relevant evidence because, for example, the evidence is too prejudicial. Courts must balance the probative force of challenged, relevant evidence against its tendency to unfairly prejudice the other party. While some emphasis must be placed on the tendency of that evidence to prove a material fact in issue, the clear thrust of Rule 403 is to curb the use of unfairly prejudicial evidence. At best, it will create a more reasoned, unemotional consideration of the facts, if courts will give Rule 403 its due substance. At the very least, it gives litigants a rule "to point to"; a rule with which a judge may be forced to give critical consideration to the potential prejudice which may be inflicted by certain evidence. Rule 403 should provide one of the welcome changes brought on by the new evidence code.

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17. 1 Brandis, *supra*, note 12, § 80 at 296.

18. See, e.g., *State v. Simpson*, 297 N.C. 399, 255 S.E.2d 147 (1979); *Modern Electric Co. v. Dennis*, 259 N.C. 354, 130 S.E.2d 547 (1963).

19. 188 N.C. 416, 124 S.E. 745 (1924).

20. *Id.* at 417, 124 S.E. at 746.

21. E.G., *Shepherd v. W.T. Mason Lumber Co.*, 166 N.C. 130, 81 S.E. 1064 (1914); *Short v. Yelverton*, 121 N.C. 95, 28 S.E. 138 (1897); *State v. Jones*, 93 N.C. 611 (1885).

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# Class Notes

Anyone wishing to submit information is encouraged to write:

**The Jurist**, c/o Rhesa Hipp, Box 7206 Reynolda Station, Winston-Salem, N.C. 27109

## 1925

**Foster Piercy Carter** retired from the practice of law in 1983 after serving as Administrative Assistant to the Clerk of Superior Court of Buncombe County since 1970. Foster and his wife Marguerite reside in Asheville, N.C.

## 1927

**Judge Fred H. Hasty** has returned to private practice with the Charlotte, N.C. firm of Haster, Waggoner, Hasty, Kratt and McDonald, after thirteen years as a Superior Court Judge in Mecklenburg County.

## 1931

**Kyle Hayes** has been engaged in the general practice of law since 1931 with the firm of Hayes and Hayes of North Wilkesboro, N.C.

## 1934

**Addison Hewlett, Jr.** has a general practice in Wilmington, N.C. and became an honorary life trustee of Wake Forest University in 1983.

**C. Woodrow Teague** is senior partner in the Raleigh, N.C. firm of Teague, Campbell, Conley and Dennis specializing in defense civil trial practice. He has been appointed to the Wake Forest School of Law Alumni Executive Committee for 1983-1987.

## 1936

**Woodrow Hufham Peterson** has been in the general practice of law in Clinton, N.C. since 1936. Woodrow and his wife Hilda have one son who is now a sophomore at Wake Forest.

## 1937

**Joe B. Pittman** of the class of 1937 has retired from his position as U.S. Probation Officer 1955-1978 and has been traveling extensively in Europe, Asia, Africa and Australia.

## 1940

**Clifton W. Everett, Sr.** has a general practice with Everett and Cheatham of Greenville, N.C. and is President of the North Carolina State Bar 1983-84.

## 1941

**J. Myers Cole** is in private practice in Charlotte, N.C. after having retired from the F.B.I. as Special Agent in Charge in San Antonio, Tx.

## 1948

**Larry L. Williams** specializes in antitrust practice with the Washington, D.C. firm of Clifford and Warnke and is a recipient of an Outstanding Alumnus Award from Wake Forest University.

## 1949

**John F. Crossley** has a civil litigation practice in Wilmington, N.C.

**A.D. Folger** of Folger and Tucker has a general practice in Madison, N.C.

**John A. James** has a general law practice in Weldon, N.C. and serves as County Attorney. He has three children, two of whom are Wake Forest graduates.

**Marshall B. Hartsfield** specializes in commercial real estate law as senior partner of Poyner, Geraghty, Hartsfield, and Townsend. He is currently President of the Wake County Bar Association.

**Carl P. Holleman** has a general practice in Apex, N.C. and was recently President of the 10th Judicial District Bar Association. He and his wife Ruth have two sons and one grandson, age 2½.

**Martin R. Peterson** is semi-retired from the practice of law and resides in Raleigh, N.C.

**Ray F. Swain** has a general law practice in Siler City, N.C.

## 1950

**Perry W. Martin** has a general law practice in Ahsokie, N.C., having served as a former Superior Court Judge, Senator and Representative to the N.C. legislature.

**William Gale Parker** is engaged in a general civil practice in Raleigh, N.C. and serves as a trustee of the North Carolina Baptist State Convention.

## 1951

**Stewart A. Curtis** is engaged in the general practice of law in Ahsokie, N.C.

**Harry McCauley Lee** of Clinton, N.C. is engaged in a limited civil practice specializing in estate planning and real estate. He and his wife Mary have three children, two being Wake Forest graduates and one who is now a freshman at Yale University.

**E. James Moore** has a general practice in North Wilkesboro, N.C. with special emphasis on civil defense work, estates and real estate.

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**Dan R. Simpson** practices business and corporate law with the Morganton, N.C. firm of Simpson, Aycock, Beyer and Simpson, P.A. which he founded.

**Henry Leonidas Stevens, III** is Senior Resident Superior Court Judge for the 4th Judicial District of N.C.

#### 1952

**Norman Adrian Wiggins** is President and Professor of Law at Campbell University, Buies Creek, N.C.

#### 1953

**Emory M. Sneeder** has been appointed to the Fourth Circuit Court of Appeals. His appointment has been confirmed by the U.S. Senate and he is to be sworn in at a later date.

**Robert B. Wilson** of Wilson and Small of Winston-Salem, N.C. specializes in commercial law. He and his wife Patty have five surviving children and seven grandchildren.

#### 1954

**Wiley F. Mitchell, Jr.** is Senior General Solicitor for the Norfolk-Southern Corp. with responsibility for personal injury and property damage claims, and is presently Assistant Minority Leader in the Virginia Senate.

#### 1955

**Perry N. Walker** of Walker, Ray, Simpson, Warren and Swiggett has a general practice focusing on personal injury and estates in Greensboro, N.C.

#### 1957

**E.F. "Lynn" Cashion, Jr.** has retired from the practice of law and is serving on the Joint Presidential Congressional Steering Committee, United States Defense Committee and American-Israeli Public Affairs Committee.

**Keith Y. Sharpe** is engaged in a general civil and criminal trial practice in Winston-Salem, N.C.

#### 1959

**George Burbank Herndon, Jr.** practices estate planning and real estate law as a partner in the Fayetteville, N.C. firm of Nance, Collier, Herndon and Wheless. He and his wife Sandra have three children.

#### 1961

**Lloyd K. Swaringen** is a partner in the firm of Blackwell and Swaringen of Fayetteville, N.C.

**J. Fredrick E. Turnage** has a law practice concentrating in real estate, estate administration and municipal law in Rocky Mount, N.C. where he is presently serving his fourth term as mayor.

#### 1962

**Charles Royal Tedder** is a partner in the Greensboro, N.C. firm Dees, Johnson, Tart, Giles and Tedder where he specializes in real estate and estate planning. He and his wife Virginia have two sons who are students at Wake Forest: Chuck, a Junior, and Jim, a Freshman.

#### 1963

**Grover A. Gore** is engaged in the general practice of law in Southport, N.C.

**Mark W. Owens** is senior partner in Farmville, N.C. firm of Owens, Rouse, and Nelson and engages in the general practice of law. Mark and his wife Barbara have three children one of whom is a second year law student at Wake Forest.

**Claude S. Sitton** has been serving as Resident Superior Court Judge for the 25th Judicial District since 1980.

#### 1964

**Bob W. Bowers** is engaged in a general practice in Lexington, N.C. with the firm of Stoner, Bowers, and Gray.

**Wayne C. Shugart** is a partner with the general practice firm of Booe, Mitchell, Goodson and Shugart of Winston-Salem, N.C. He is a member of the Board of Trustees for Salem Academy and College.

**Thomas B. Watts** is serving as a Special Superior Court Judge and has been appointed Resident Superior Court Judge of the First Judicial District effective December 1, 1984.

#### 1965

**Jack A. Thompson** recently joined the firm of Beaver, Thompson, Holt and Richardson in Fayetteville, N.C. He is engaged primarily in civil and criminal litigation.

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**Clyde A. Wootten** is General Corporate Counsel and Secretary for Blue Cross and Blue Shield of North Carolina. He and his wife, also a Wake Forest Graduate (1964), have three children and live in Durham, N.C.

#### 1966

**Maurice W. Horne** is serving as Administrative Law Judge with the Office of Hearings and Appeals of the Department of Health and Human Services.

**Paul J. Williams** is in private practice in Charlotte, N.C. concentrating on personal injury, criminal and domestic law.

#### 1967

**A. Doyle Early, Jr.** specializes in family law, personal injury and civil litigation as a partner in the firm of Wyatt, Early, Harris, Wheeler and Harris of High Point, N.C.

**John C. Martin** is Resident Superior Court Judge, 14th Judicial District and will begin serving on the N.C. Court of Appeal on Jan. 1, 1985. He and his wife Tali have three daughters.

**Henry H. Mumanaw** is vice president of sales and marketing-consumer products development with PCA International, Inc. of Mathews, N.C.

#### 1968

**Donald L. Dotson** is serving as Chairman of the National Labor Relations Board and has held the office of Assistant Secretary of Labor since 1981.

**Ladson F. Hart** has a general law practice in Brevard, N.C. with emphasis on commercial and real estate development matters. He and his wife Jean have two children: Ladson, age 13, and Katherine, age 10.

#### 1969

**T. Merritt Bumpass, Jr.** is a partner with the firm of Thompson, Hines, and Flory of Cleveland, Ohio where he specializes in the practice of labor law on behalf of management. He recently co-authored a book on the public sector labor law in Ohio — "Public Sector Collective Bargaining: The Ohio System."

#### 1970

**Harry Clenderin, III** has a civil litigation practice in Greensboro, N.C. and is an active member of the N.C. Bar Association. He and his wife have three children.

#### 1972

**William H. Andrews** is serving as District Attorney, for the Fourth Prosecutorial District and has been elected 1984-85 President of the North Carolina District Attorney Association.

**Ronald W. Black** has a general law practice in Orlando, Fla. where he concentrates on real estate, corporate and criminal law. He and his wife Beth have two children: Adam and Shaler.

**Max S. Busby** is a partner with the Edenton, N.C. firm of Earnhardt and Busby and is engaged in the general practice of law.

**Larry E. Leonard** has established a general practice in Thomasville, N.C.

**Jerry Cash Martin** is serving as District Court Judge, 17B Judicial District including Surry and Stokes counties.

#### 1973

**Ellis Meredith Briggs, Jr.** is involved in civil and criminal trial practice in Charlotte, N.C. Ellis and his wife Judith have two children: Michael, age 8, and Jennifer, age 7.

**R. Brandt Deal** of Deal, Magers, and Van Zandt is engaged in the general practice of law in Winston-Salem, N.C. He concentrates in the real estate field.

**Richard H. Page** is in the general practice of law in Lumberton, N.C. He and his wife Rebekah have two children: Richmond and Ellis.

**Blake W. Trimble** is Division Counsel with Union Camp Corp. in Eastover, S.C.

#### 1974

**C. Christopher Bean** is engaged in a general civil and criminal practice and serves as Attorney for the Town of Edenton, N.C. He and his wife have a son Alexander, born August 17, 1984.

**James Arnold Everett** of the Elkin, N.C. firm of Everett and Everett is engaged in a general law practice.

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**Gary C. Gough** has been promoted to general counsel with the architecture and engineering firm of Henningson, Durham and Richardson, Inc. of Omaha, Nebraska. This is the largest such firm in the U.S. and is the designer for the current Bowman-Gray expansion in Winston-Salem, N.C.

**John B. O'Donnell** is engaged in the general practice of law as a partner with the Raleigh, N.C. firm of Hall, Hill, O'Donnell.

**Robert Michael (Mike) Wells** is engaged in the general practice of law with Billings, Burns and Wells of Winston-Salem, N.C. Mike is Vice President of the Forsyth County Bar Association and Acting Chairman of the Forsyth County Democratic Party.

#### 1975

**Jim Bailey** of the Wilmington, Delaware firm of Elzujon and Bailey is specializing in insurance defense cases and medical malpractice.

**Anthony Samuel DiSanti** of Finger, Watson, DiSanti and McGee of Boone, N.C. is involved in a general practice with emphasis on real property and civil litigation. He and his wife announce the birth of their daughter Erin, on March 14, 1984.

**Henry A. Harkey** is involved in general civil and criminal trial practice with emphasis in the areas of personal injury and real estate. Henry is a member of the Charlotte, N.C. firm of Harkey, Coira, Fletcher and Lambeth.

**David Lewis Wilson, Jr.** is one of three Wake Forest graduates from the law school class of 1975 who formed the Winston-Salem, N.C. firm of Wilson, DeGraw and Miller.

#### 1976

**Franklin L. Block** is in partnership with D. Webster Trask in the general practice of law and is a part-time U.S. Magistrate.

**Robert A. Brinson** is concentrating on commercial litigation and personal injury practice in High Point, N.C. He and his wife have a son Charles, born on June 22, 1984.

**David K. Haynes** is a Board Certified criminal law specialist in private practice in Plano, Tx.

**John P. Siskind** practices law in Jefferson, N.C. He has a son Benjamin, age 1.

#### 1977

**Janice S. Head** is a member of the Mt. Olive, N.C. firm of Kornegay & Head, P.A. where she is involved in the general practice of law. She is engaged to be married in early 1985 to Donnell Kornegay, Jr.

**Julia Virginia Jones** is with the civil litigation department of the Charlotte, N.C. firm of Moore, Van Allen, and Thigpen.

**Woodrow W. Gunter, II** is a partner in the Rockingham, N.C. firm of Gunter & Wansker specializing in worker's compensation cases for the plaintiff.

#### 1978

**Brad Wilson** of Carpenter, Bost, Wilson and Cannon of Lenoir, N.C. has a general practice with emphasis on real estate and corporate and civil litigation. Brad and his wife have a daughter Anne, age 4.

**Robert H. Friend** is involved in comprehensive financial planning with Baron Financial, Inc. Robert is the immediate past President of the Piedmont Chapter of the International Association for financial planning.

**John William Jelich, II** is associated with Henry L. Sadler, III of Norfolk, Va. where he concentrates on plaintiff's personal injury cases, real estate and criminal defense. John and his wife have a two year old son, John William Jelich, III.

**Vickie Check Lyall** is with an Atlanta, Ga. firm specializing in commercial litigation.

**Michael C. Miller** has recently built a new office in Asheboro, N.C. where he has a general civil and trial practice. Michael and his wife have a daughter Lisa, born September 26, 1983.

**Leon E. Porter, Jr.** specializes in commercial and insurance litigation with the Winston-Salem, N.C. firm of Petree, Stockton, Robinson, Vaughn, Glaze and Maready.

**Margaret L. Sharpe** is engaged in a general civil and criminal practice in Winston-Salem, N.C.

#### 1979

**Harry A. Boles** has recently established a sole practice in Kernersville, N.C. and is presently attorney for the Town of Walkertown, N.C.

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**Russell R. Bowling** is specializing in litigation with the Franklin, N.C. firm of Jones, Key, Melvin and Patton. He and his wife are pleased to announce the birth of their second child, Jessica, on January 24, 1984.

**Jerry Arnold Jolly** is involved in the general practice of law in Tabor City, N.C. and is unopposed for the position of District Court Judge of the 13th Judicial District.

**Stuart Craig Markman** of Winkles, Trombley, & Keynes is engaged in the practice of criminal and civil litigation in Tampa, Fla.

**Thomas P. Stamps** is with the Atlanta, Ga. firm of Zusmann, Small, Stamps and White specializing in commercial litigation and bankruptcy.

#### 1980

**Robert M. Hull, Jr.** has joined the firm of Murchison, Gunthrie, and Davis of Charlotte and practices in the areas of estate planning, corporate law and real estate. Robert and his wife Tammy are expecting their second child in December.

**John W. Lassiter** of Mathews, N.C. is engaged in the practice of general corporate and commercial real estate law in Charlotte, N.C. He is the new father of a son, Benjamin.

**Stephen M. Russell** recently became an associate with the litigation firm of Bell, Davis and Pitt of Winston-Salem, N.C. after serving as law clerk to the Honorable Hiram H. Ward of the Middle District of North Carolina.

**Joseph E. Warner, III** is with the Dacourt Group, Inc. of Greensboro, N.C. in the area of real estate investment banking.

**Robert Lee Wilson, Jr.** is specializing in the area of health law with the Raleigh, N.C. firm of Hollowell and Silverstein. He is co-author of Health Notes for the Campbell Law Observer and is Associate Editor of Physician Law Notes. Robert and his wife are happy to announce the birth of their first son Robert Lee Wilson, III.

**Victoria Lewis Voight** is in house counsel for the N.C. Department of Human Resources. She specializes in administrative law.

#### 1981

**R. Dale Fussell** of the Charlotte, N.C. firm of Purser and Fussell is practicing real estate, bankruptcy, and estate law.

**Dave Jones** is a Captain in the U.S. Marines as a member of the Judge Advocate General Corp. He is currently serving as commanding officer of the Fifth Marine Regiment.

**Julie Hines Turner (Cash)** is engaged in the general practice of law in Winston-Salem, N.C. and teaches at the paralegal school of Davidson County Community College in Lexington, N.C.

#### 1982

**Len Sullivan Anthony** is in-house counsel for Southern Bell Telephone in Columbia, S.C.

**Micah David Ball** is a trust officer with First Citizens Bank of Kinston, N.C. and is engaged to marry Bessie Yvonne Aman.

**Charles H. Camp** is specializing in tax planning and is currently drafting tax legislation for the vice chairman of the Louisiana House Ways and Means Committee.

**Bob Ehlich** is with the Baltimore, Md. firm of Ober, Kaler, Grimes, & Shriver specializing in asbestos defense cases and general corporate litigation.

**H. John Fieldman** has graduated from the University of Florida with a Masters Degree in Tax and is practicing with the Boca Raton, Fla. firm of Raymond, Rupp and Wienberg, P.C.

**Sherrie R. Hodges** is in general practice with John T. Kilby of West Jefferson, N.C. and is expecting her first child in December, 1984.

**E.K. Morley** is in private practice in Hendersonville, N.C. specializing in taxation law and wills and trusts.

**Julie Montgomery O'Connor** is specializing in tax exempt financing law with the Baltimore, Md. firm of Miles and Stockbridge. She was recently married to Richard James O'Connor.

**Janet F. Pavca** is a sole practitioner with a general practice in Winston-Salem, N.C.

**W. Robert Turner, III** is an associate in the litigation department of Harlan, Knight, Dudley and Pincus of Norfolk, Va. He married the former Ann F. Gillyool of the class of 1983, who is an associate with the firm of Stackhouse, Rowe and Smith.

**Joe Weinberger, Jr.** is specializing in civil litigation and medical malpractice with the Roxboro, N.C. firm of Ramsey and Weinberger.

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### 1983

**Marcia High Armstrong** is an associate with the Smithfield, N.C. firm of Mast, Yew, Armstrong and Morris.

**William G. Hamby, Jr.** has opened his own general practice in Concord, N.C.

**John J. Manlon** is an Assistant Defender with the office of State Appellate Defender, 4th Judicial District. He and his wife announce the birth of their daughter Alyson on April 24, 1984.

**David E. Morris** is a staff attorney for Covenant House in New York City.

**Carrie Wentz Vere Nicoll** is currently in London, England and recently married Nieville H. Vere Nicoll.

**Lesley Garrett Philpott** specializes in corporate law trusts and estates with Womble, Carlyle of Winston-Salem, N.C. In 1983, Lesley married Ben Philpott who is an attorney with a Lexington, N.C. firm.

**Donald F. Rumsey** is involved in the general practice of law with John F. Comer in Greensboro, N.C.

**Ben C. Sutton, Jr.** is Assistant to the Athletic Director of Wake Forest University and is involved in development and corporate sales.

**Janet Puckett Wade** and M. Landis Wade, Jr. are in the general practice of law in Charlotte, N.C. specializing in bankruptcy and civil litigation respectively.

### 1984

**Greg Brewer** is with the Reagan-Bush '84 legal staff. His work involves federal election law, civil rights litigation, and opposition research. Greg plans to locate in Washington, D.C.

**Laura E. Carlan** is an attorney with the U.S. Navy Judge Advocate General's Corp. in Newport, R.I.

**Robert O. Crawford, III** is an associate with the Raleigh, N.C. firm of Morris, Cheshire, Leager, and Southern. Robert is involved in civil and criminal litigation practice.

**Francis R. Fishbein** is with the CPA firm of Touche, Ross and Co. in Charlotte, N.C. She is involved in taxation planning and research.

**Brian Gallagher** specializes in plaintiff's medical malpractice and drug products liability with Preiser and Wilson of Charleston, W. Va.

**Nelson Kyle Hicks** is an associate with the Oxford, N.C. general practice firm of Watkins, Finch and Hopper.

**Myron T. Hill, Jr.** is with the firm of Howard, Browning, Sams and Poole in Greensboro, N.C.

**J. Kemp Sherron, III** is in practice with the Durham, N.C. firm of Pulley, Watson, King & Hofter where he specializes in commercial and real estate law.

**Sherry K. Shurden** is an Assistant District Attorney in Charlotte, N.C.

**David M. (Dink) Warren** is serving as law clerk to the Honorable Thomas M. Moore, U.S. Bankruptcy Judge of the Eastern District of North Carolina.





# Wake Forest Continuing Legal Education (WF-CLE)

## Spring Programs

<b>Tort Practice Institute</b>	March 15, 1985	Raleigh
	March 22, 1985	Winston-Salem
<b>Labor Law Regional Institute</b>	April 11-12, 1985	Washington, D.C.
	May 9-10, 1985	Atlanta, Ga.
	May 24-25, 1985	Kiawah Island, S.C.
<b>Business Practice Institute</b>	May 3-4, 1985	Winston-Salem
	May 17-18, 1985	Raleigh

## Current WF-CLE Publications

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Fourth Annual Review, N.C. (1983) \$65.00

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(1984)

N.C. Family Law Practice Manual (1982)  
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N.C. Estate Planning Practice Manual  
(1984)

N.C. Will Drafting & Probate Practice  
Handbook (1983)  
\$49.50 each or \$90.00 per set

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N.C. Real Property Practice Manual  
(1983)

N.C. Real Property Practice Handbook  
(1982) with Supplement (1983)  
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Individual Case (1982)

N.C. Criminal Cases Manual (1984)  
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For further information, please contact:

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