RESPONDING TO NEED

School Reacts to the Financial Crisis
Dean’s Message

Dear Friends:
Among the changes we’ve made at UNC School of Law over the past year is one you now hold in your hand. This inaugural issue of Carolina Law showcases much that we’re proud of – our faculty, students and alumni. We look forward to sharing their many accomplishments with you in Carolina Law twice a year.

Our cover story, “Responding to Need,” examines how the school is reacting to the economic crisis, which has touched so many lives. Our talented faculty members have stepped forward to clarify the complex economic forces at work, even as our law students face the most difficult job market in a generation. To meet their need, we’ve decided to commit additional law school funding to provide extra research and internship opportunities this summer. There are still many unmet job needs, though, and if you’re in a position to help Carolina students find internships, summer jobs or permanent employment, the Office of Career Services wants to hear from you.

We’ve been fortunate over the past few years to receive new funding to recruit top faculty, who conduct the research and develop the courses our students will need to stay competitive in tomorrow’s legal workforce. In July, we will welcome seven outstanding hires: environmentalist Victor Flatt, health care experts Joan Krause and Richard Saver, family law specialist Holning Lau, leading scholar on evidence and trial advocacy Robert Mosteller and talented civil clinician Kathryn Sabbeth. Deborah Gerhardt, director of our Intellectual Property Initiative and adjunct professor of law, has also accepted a tenure-track position on the faculty.

Building a 21st century law school is still a top priority. In November 2008, representatives from the School of Law, the University’s Facilities Design Office and the Board of Trustees selected the SmithGroup, which earlier had created initial conceptual design plans, to carry out the next major phases of architectural planning. While full planning funds were authorized by the N.C. General Assembly in July of 2008, those funds have not been released during this difficult budget year for the state. We’ve nonetheless been assured by University officials that our priority status will not be lost, and that our new building will go forward as soon as state funds begin to flow.

State budget dollars for operating expenses are being cut daily. During these turbulent economic times, the extra funds we receive from our endowment and the continuing annual support of Carolina Law alumni have made a critical difference. We are enormously grateful that even more of you are giving – nearly 8% more in the past year. We cannot remain a top school without your generous support, and your giving in this crisis has been marvelous. From all of us at Carolina Law, thank you.

Sincerely,

John Charles Boger ’74
Dean and Wade Edwards Distinguished Professor of Law

CAROLINA LAW

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ON THE COVER: Lissa Broome, Wachovia Professor of Banking Law and director of the Center for Banking and Finance, with students on the editorial board of the North Carolina Banking Institute Journal. Photo by Donn Young.
Students Earn Pro Bono Law School of the Year Award

UNC SCHOOL OF LAW STUDENTS were recognized in early December with the Pro Bono Law School of the Year Award for spending spring and winter breaks providing free legal assistance to New Orleans residents since Hurricane Katrina devastated the city in 2005. “Their work on family law and property succession cases has helped people in the New Orleans area to move on with their lives,” says Sylvia Novinsky, assistant dean for public service programs.

The students were recognized by the Pro Bono Project, a not-for-profit organization that serves low-income clients in the six counties that surround and include the city of New Orleans, says statewide volunteer coordinator, Sandie McCarthy-Brown. She estimates that students from approximately 20 law schools have volunteered their time in the New Orleans area since Hurricane Katrina.

“This award means that our work has made a difference to the Pro Bono Project. The goal is to make sure that people are getting all the benefits to which they’re entitled. Proving they own their land or are legally separated or divorced is an important part of that,” says Novinsky. “Our students come back with a renewed sense of purpose, of knowing why they are in law school and the desperate need for access to legal services.”

“Most students do factual research and interview clients during their week of service,” says McCarthy-Brown. “Then they pull the info together and prepare the pleadings and go over them with the client. The students get a lot out of their experience here and we could not process as many cases as we do without them.”

According to Novinsky, more than 100 students have participated in the program since its inception in the winter of 2005. While students now stay four to a room in hotels in New Orleans, the pioneer team slept on the floor of a relative’s home for the week. The home’s first floor had been flooded.

While students usually work on family law or succession cases, this year they also had an opportunity to work with the New Orleans public defenders office.

The award was presented by the Pro Bono Project to UNC associate professor Adam Feibelman on behalf of the UNC School in early December 2008, in New Orleans.

The students’ annual experiences are covered in a blog dating back to the first trip in December 2005 at www.forthegoodofthegulf.blogspot.com.

Students Continue Holiday Food Drive Tradition

Each year during the fall semester, the Student Bar Association organizes a canned food drive to benefit the hungry in North Carolina. This year, given the current economic climate, the tradition took on an even greater sense of urgency.

Vivian Intermont and Sonal Raja, both 2Ls, organized this year’s drive, which collected more than 1,161 canned goods and cash that was used to purchase additional food items.

“Our classmates’ efforts helped considerably,” said Intermont. “Even a small contribution can go a long way toward helping families in a meaningful way.”

Donations were provided to the Food Bank of Central and Eastern North Carolina, which was established in 1980 to provide food to people at risk of hunger in 34 counties in central and eastern North Carolina.

Allison Standard 3L, Sylvia Novinsky, assistant dean for public service programs, Seema Kakad 2L and Alex Finamore 1L were among those who helped plan the pro bono trip to New Orleans.
School Ranks #9 for Public Interest Law Programs

UNC SCHOOL OF LAW WAS RANKED #9 in the list of best law schools for public interest law by PreLaw Magazine. The ranking was announced in the Fall 2008 issue.

This is the first year that PreLaw Magazine has ranked public interest law programs. They used a scoring system based on a 100-point scale to assign points to 75 law schools in three equally weighted categories: student involvement, curriculum and financial factors. The categories are identical to those which Equal Justice Works recommends that students use in evaluating a school’s public interest program.

Schools in the Top 10, including UNC, were cited for the strength of clinical programs, loan assistance programs, pro bono program opportunities and the percentage of graduates who pursue public interest careers.

“Our students recognize the value of giving back and incorporating pro bono and public service work into their busy law school lives,” says Sylvia Novinsky, assistant dean for public service programs. “They’re graduating with the training to be among the finest public interest lawyers in our country – students with a strong understanding of professional ethics and a deep commitment to justice.”

In addition to the public service programs, the school’s law clinics provide students with the opportunity to learn legal theory and legal practice while providing much needed legal assistance to underrepresented individuals and organizations. Students may apply to the Civil Legal Assistance Clinic, the Juvenile Justice Clinic, the Community Development Law Clinic, or the Immigration and Human Rights Policy Clinic.

“Last fall, students in the Immigration and Human Rights Policy Clinic worked with the ACLU-NC to help map immigrant populations who are in detention centers in the state in order to determine compliance with legal standards governing such detention,” says Deborah Weissman, Reel C. Ivey II Distinguished Professor of Law and director of clinical programs. “In the Juvenile Justice Clinic, they’re helping defend juveniles charged in juvenile court under the same statutes that adults are charged with in criminal court.”

Juvenile clinic cases range from relatively minor infractions such as trespassing or driving without a license to more serious charges including felony assault and larceny. Civil clinic students provide legal assistance to tenants facing wrongful eviction, victims of domestic violence and homeowners who entered into unconscionable mortgage agreements and are in danger of losing their homes. Community development law clinic students represent non-profit groups and assist them in determining the proper legal entity that would best suit each group’s purpose as well as other business-related matters.

“Our students are committed to providing quality representation to individual clients and to the overall improvement of the administration of justice,” says Weissman.

SUMMERS HONORED FOR OUTSTANDING GOVERNMENT SERVICE

Staff member Bonita Summers was among five university members who received the 2008 Chancellor’s Award for Excellence from the University of North Carolina at Chapel Hill. Her award was in the category of “Outstanding State Government Service.” Summers was honored at a luncheon at the Carolina Inn, during which Chancellor Holden Thorp acknowledged her accomplishments and dedication to the university.

Summers has been in a leadership role in faculty support services at UNC School of Law where, for more than 20 years, she has been a dedicated member of the small team of staffers who provide administrative support to faculty. She oversees the processing of hundreds of federal clerkship letters every year; provides specialized training and support to students who seek internships in and around the state; and, most often, is the one to whom students and faculty turn for help. “The law school would simply not be the institution we know without Bonita’s tremendously capable, effective, warm and caring presence.”

—Judith Welch Wegner, Burton Craige Professor of Law
Environment, Finance Headlined the Festival of Legal Learning

THE 19TH ANNUAL FESTIVAL OF LEGAL LEARNING, hosted by UNC School of Law Feb. 6 – 7, 2009, offered lawyers up to 12 hours of continuing legal education (CLE) credit. The program was initially developed as a way to support the law library during a financial downturn, and has grown to host more than 550 participants. The Festival this year offered a range of educational opportunities, including insight into the current fiscal crisis as it affects lawyers in every field and specialization.

“The Festival serves several purposes and is widely recognized as being among the state’s very best continuing education programs because of its breadth, quality and timely coverage,” explains Judith Welch Wegner, Burton Craig Professor of Law and a former dean of UNC School of Law. “It offers high-quality continuing legal education in a wide array of subject-areas and also brings together friends and colleagues in the spirit of a yearly reunion.”

This year, Martin Eakes, founder of the Center for Community Self-Help and CEO of the Center for Responsible Lending, was the first speaker in the Donald F. Clifford Jr. Distinguished Lecture series. Clifford, who passed away in early 2008, was one of the founders of the Festival.

Eakes has been active in the national debate about predatory lending practices and the ongoing credit and financial crisis. A native of Marytown, N.C., Eakes was named Tar Heel of the Year in 2005 for his dedication to fighting poverty. “Martin Eakes is the perfect inaugural lecturer since he has been a heroic force in establishing the Self-Help Credit Union and the Center for Responsible Lending,” says Wegner. Since its inception, the Center for Community Self-Help has made more than $5.24 billion in loans available to families and communities.

Among the 90-plus offerings at the Festival:
- The “Environmental Law Symposium” focusing on times of presidential and gubernatorial transition
- Sessions designated for substance abuse and professional ethics CLEs
- The “Consumer Law and Consumer Credit Symposium” featuring sessions focused on banking, bankruptcy law, credit law, identity theft, mortgages and more
- The second annual “Veterans Legal Symposium” designed to assist those aiding veterans with estate planning and post-traumatic-stress-syndrome

FIRM CAMPAIGN RAISES MORE THAN $276,000

The 2009 Carolina Law Firm Campaign kicked off in April and follows a successful 2008 Firm Campaign, which raised more than $276,000 from more than 700 alumni. The Firm Campaign is a vital component of the Law Annual Fund, and it helps increase alumni participation rates while maximizing cumulative giving. Firms with five or more Carolina Law graduates are eligible to participate, and some firms match alumni gifts.

These generous gifts help make it possible to increase student scholarship assistance, improve academic programs and student services, fund career placement and program development initiatives, provide research support to faculty, and develop professional experiences for students to meet the changing needs of the legal profession.

For additional information, contact Meredith Kincaid, deputy director of development, at 919.962.0694 or kime@email.unc.edu.
The school recently lost a beloved faculty member, Professor John Calmore—a great and honest scholar, memorable and inspiring teacher, and strong voice for justice. Calmore grew up in modest circumstances in Pasadena, California, and was a brilliant member of the first wave of modern African American students to attend Stanford University (BA ‘67) and Harvard Law School (JD ‘71). He was named a Reginald Heber Smith Fellow after graduation, serving at the Legal Aid Foundation of Los Angeles (‘72-’74). He then joined the Western Center on Law & Poverty in 1975. In 1977, he became staff attorney at the National Housing Law Project’s West Coast office in Berkeley, and in 1982, became director of litigation for the Legal Aid Foundation of Los Angeles.

Throughout his distinguished academic career, which began at North Carolina Central University School of Law in 1985, Calmore drew on first-hand knowledge of the worlds of poverty law, racial injustice and social policy to frame a unique view of critical race theory and to develop a social justice lawyering method. He moved from NCCU to Loyola Law School in Los Angeles in 1987, and first came to UNC School of Law as an invited speaker for a North Carolina Law Review Symposium. He joined the faculty in 1997 and became the Reef C. Ivey II Research Distinguished Professor in 1999. Calmore taught civil rights, critical race theory, social justice lawyering and torts.

Calmore was co-author, with Martha Mahoney and Stephanie Wildman, of Social Justice: Professionals, Communities, and Law (West, 2003), which has been widely adopted as an innovative law text. Calmore was a resolutely modest man, says his wife Alyce. He did not want either a funeral or a memorial service. The only words he thought necessary at the time of his death were the following: “John O. Calmore: Sunrise, June 2, 1945; Sunset, February 24, 2009.”

A Law School Community at www.law.unc.edu/alumni

The adoption of new online tools, like those available to UNC General Alumni Association (GAA) members, and a revamped “Alumni and Giving” homepage highlight the first round of website improvements implemented by the UNC School of Law to bolster alumni connectivity.

Highlights of the new online tools include a new and improved alumni directory, a “Class Notes” section for reading and submitting notes, the ability to register and pay for alumni and other school events online, and the opportunity to sign up for a free permanent UNC email address.

To access the new tools, alumni will need to register. Registration is free—and law school alumni who are GAA members can use the same login and password they use on the GAA’s online community.

If you have any questions about these updates or need help accessing the new online tools, please contact Louise Harris, assistant dean of alumni affairs, at louise@unc.edu.
Muller Examines Government Policies toward Japanese Americans

Studying the internment of Japanese Americans during World War II can shed light on current and future national security policies, suggests Eric L. Muller, Dan K. Moore Distinguished Professor in Jurisprudence and Ethics and associate dean for faculty development at UNC School of Law. For 12 years, Muller has studied the legal issues surrounding the U.S. government’s policies towards Japanese Americans after the bombing of Pearl Harbor. He has published two books in the field, *Free to Die for Their Country: The Story of Japanese American Draft Resisters After World War II* (University of Chicago Press, 2003) and *American Inquisition: The Hunt for Japanese American Disloyalty in World War II* (UNC Press, 2007).

**THE CASE OF HIRABAYASHI**

Muller spoke about his research at a symposium entitled “Gordon Hirabayashi and the Legacies of Japanese Removal and Incarceration,” held on Jan. 15 and 16 at the University of Tennessee at Knoxville. Hirabayashi defied a curfew placed on Japanese Americans during WWII – an act that led to criminal prosecution that went all the way to the U.S. Supreme Court, which held that the curfew did not violate the rights of Japanese Americans. Hirabayashi was also among the young Japanese American men who resisted being drafted from their internment camp to serve in the U.S. military.

“The case of Hirabayashi is still relevant for testing the counterterrorism measures that the government takes,” explains Muller, who spoke at the symposium about his research on the draft resisters and, in a second presentation, the government lawyers’ legal arguments persuading the Supreme Court of the necessity of imposing the curfew on Japanese Americans.

“Some new research I’ve done reveals that government lawyers made very important misrepresentations to the courts during WWII when they were defending the programs directed against Japanese Americans. What I have documented is that, while government lawyers told the Supreme Court in the Hirabayashi case that the curfew was in response to an imminent threat of a West Coast invasion by the Japanese, declassified documents reveal that no one in the military believed such an invasion was imminent.”
UNC Professor Strengthens the AALS Property Section

UNC SCHOOL OF LAW PROFESSOR CAROL BROWN, whose scholarship focuses on property rights among vulnerable populations, has been elected chair of the American Association of Law Schools (AALS) Property Section for 2009. Brown is guiding her section towards a program in collaboration with the Tax Section, looking at the intersection of tax and property law.

“Tentatively what we are hoping to do is to look at how New Orleans has gone about its post-Katrina development and recovery efforts,” explains Brown. “There are so many tax and property law issues that had to be addressed and still have to be addressed in the recovery effort.”

Her plans call for a field trip into the community during the AALS meeting in New Orleans in 2010.

“We want to hear from members of the community and to have the benefit of their perspective on redevelopment efforts,” she explains. “This joint property and tax program will consider unparalleled federal efforts to rebuild in the aftermath of natural disasters. An important theme will be considering the impact of rebuilding on low, middle and upper income citizens.”

Northwestern University School of Law’s Journal of Law and Social Policy has agreed to publish papers that are submitted as part of this program, says Brown. “This is another way to give additional life to the thoughts and ideas discussed in the session,” she explains. Brown emphasizes communication and shared knowledge among section members as especially important during a time of rapid change in property law. To that end, she has initiated the process of developing a community webpage for the section.

In addition to her AALS leadership, Brown is continuing her own scholarship. “I’m currently working on an article that’s looking at the subprime crisis from the perspective of why certain minority borrowers find themselves disproportionately affected.”

CLOSE TO THE HEART

Muller is a constitutional lawyer who began researching the government’s policies towards Japanese Americans while he was teaching at the University of Wyoming College of Law, which is close to the Heart Mountain Relocation Center, one of the internment camps.

“I wanted to make the case to my Wyoming students that this had happened in their own backyards. I started to learn about the Japanese American experience there and became captivated by it,” he explains, adding that his grandfather’s internment in the Buchenwald Concentration Camp in Germany also “attuned me to these stories of racial detention and scapegoating of an internal enemy.”

Muller’s book American Inquisition takes a slightly different approach, focusing on the legal histories of the government’s efforts to determine which Japanese American citizens could be certified as loyal and which could not.

A journey that began at the Heart Mountain Relocation Center in Wyoming will continue through Nanzan University in Nagoya, Japan, this summer, where Muller has been invited to give the keynote presentation at an annual summer American Studies seminar funded by the Fulbright Commission.

In 1942, photographer Dorothea Lange documented the experiences of Japanese Americans who had been living in San Francisco and were being relocated by the U.S. War Relocation Authority. Photos courtesy U.S. Library of Congress. Left image: LOT 1801, LC-USZ62-24815, Right image: LOT 1801, LC-USZ62-17121.

“I’m currently working on an article that’s looking at the subprime crisis from the perspective of why certain minority borrowers find themselves disproportionately affected.”
Understanding the Judicial Mind

The question of how judges make decisions intrigues pundits and politicians alike. Michael Gerhardt, Samuel Ashe Distinguished Professor in Constitutional Law and director of the Center on Law and Government, takes on this issue in the February edition of the Minnesota Law Review.

A FAR-REACHING IMPACT

“How judges think is of great interest to me and many other people for several reasons. First, judges decide many important cases, and we want to better understand the thinking that has been important to the resolution of such matters. Second, there are longstanding concerns about the extent to which judging turns on politics,” explains Gerhardt. “Third, there is a lot of interest in the academy and society on judicial selection. If we better understand how judges think, we might be able to pick better judges.”

The leading two contenders for an explanation of judicial thought come from the social sciences and from legal scholars, says Gerhardt. “Social scientists, for the most part, argue that judging basically entails voting policy preferences directly or manipulating legal materials to maximize policy preferences. Legal scholars tend sharply to disagree with the social science outlook, and it is interesting and important to determine whether law professors or social scientists are right about what judges do,” he says, noting that there may be common ground between these two systems of thought.

The article, which is part review of the book How Judges Think by U.S. Court of Appeals for the Seventh Circuit Judge Richard A. Posner and part overview of the models that describe judges’ possible thought processes, also highlights the importance of training law students to understand a judge’s role and to one day consider becoming jurists.

INTO THE CLASSROOMS

“Right now, law schools are doing a better job of educating students about what judges do than they did when I was a student. But, they could do a better job of preparing students to think like judges, to write opinions, to work together to decide cases, and to cultivate the skills to be advocates and judges,” says Gerhardt, who adds that any lawyer who has to argue before a judge could benefit from an understanding of how that judge makes his or her decisions.

He notes in his review of Judge Posner’s book that it would be a good primer for any lawyer who has to argue in front of him, but it might not provide a thorough guide to understanding how all judges think. While the debate rages on, Gerhardt recommends reading judges’ decisions and personal writings to gain a better understanding of individual styles.

Gerhardt, a nationally known constitutional scholar, was invited to sit on a panel at the symposium “The Role of Presidential Leadership in Advancing Civil Rights” at American University Washington College of Law in Washington, D.C., in January. In early February, he spoke about the historical role of the U.S. presidency at University of Pennsylvania Law School, and in April Gerhardt will deliver the Alpheus Mason Distinguished Lecture in Constitutional Law at Princeton University, where he will discuss the constitutional legacies of different presidents.
Environmental Law Expert Focuses on Putting Laws into Action

With environmental policy and regulation becoming increasingly complex and the interest in environmental law expanding, UNC School of Law recognized the need to augment its course offerings in environmental law. The school will soon benefit from the arrival of Professor Victor Flatt, currently A.L. O’Quinn Chair in Environmental Law and director of the Center for Environment, Energy, and Natural Resources at the University of Houston. Flatt, who was a visiting faculty member in Fall 2008, will occupy the Tom and Elizabeth Taft Distinguished Professorship in Environmental Law at UNC School of Law beginning July 2009.

Moving to North Carolina creates an opportunity to expand on Flatt’s expertise in a nexus of environmental action and research at a crucial time, he says. “I’ve really focused a lot on how one converts environmental law into environmental action,” Flatt explains. “I am particularly interested in preserving environmental law policies that have embodied protecting the public’s rights, such as the right to be free from pollution and the right to be free from air toxics. Given the particularly emerging threat of climate change, I have been moving into that area.”

The state of North Carolina and Carolina Law are already strong in research into the issues that affect the impact of climate change. UNC has a great public health school and great environmental research on wetlands and coastal resources. I see a need in examining how all laws will be affected based on the coming challenges of climate change. I see where North Carolina can really step into that void. So to me, here’s this amazing opportunity with all the pieces in place to tackle something important,” he says.

Flatt’s undergraduate studies focused on chemistry and mathematics. He received his J.D. from Northwestern University in 1988, where he was a John Henry Wigmore Scholar and Order of the Coif.

Students will get a taste of his hands-on approach to learning with two new classes he’ll teach in the coming academic years. In the spring of 2010, he’ll offer “Practice of Carbon Trading,” a course that prepares students for the eventual regulation of carbon trading in the United States. He also hopes to teach, in a subsequent semester, “Interagency Environmental Cooperation,” which will require students to work with an agency to determine what organizational barriers exist to the implementation of environmental law.

In addition to developing these courses, Flatt hopes to develop a new environmental law center at UNC. He is also collaborating with colleagues at UNC School of Government, UNC College of Arts and Sciences and the Army Corps of Engineers to develop a water control plan for Kerr Lake. He presented at the 2009 Festival of Legal Learning, and will continue shuttling back and forth between Houston and Chapel Hill until the fall semester begins.
Birckhead’s Research Addresses Need for Juvenile Justice Reform

Trying 16- and 17-year-olds in juvenile court instead of adult criminal court would reduce the risk of recidivism and increase public safety, says Tamar Birckhead, assistant professor at UNC School of Law. North Carolina remains the only state in the United States to try 16- and 17-year-olds in adult criminal courts with no option to ask for a hearing in juvenile court.

Birckhead has laid the foundation of a call for reform with an article in the September 2008 edition of the North Carolina Law Review that reviews the history of arguments for and against raising the age of juvenile court jurisdiction to 18.

“One of the most striking revelations of my research is that resistance to raising the age of juvenile court jurisdiction in North Carolina has been consistent from 1919 to the present. While the fundamental arguments of reformers have been basically the same during this period, the pattern has been recurring: well-considered proposals to raise the age have consistently failed to bring about change. North Carolina is now at the bottom of the heap nationally on this issue.

Our legislators should feel a moral imperative at this point to take action,” says Birckhead, who teaches in the Juvenile Justice Clinic and is a member of the Advisory Board for the North Carolina Juvenile Defender.

Birckhead points out that the American Bar Association also recommends that offenders under 18 be tried in juvenile courts. Older teens who commit serious crimes could still be tried as adults on a case-by-case basis, but Birckhead emphasizes that only four percent of crimes committed by this age group are crimes against other people.

“Raising the age will not affect the state’s ability to transfer juveniles 13 and older to criminal court when they are charged with a felony,” she says. “And while some people worry that juvenile courts might coddle young offenders, in practice, children in juvenile court are frequently given more rigorous probationary terms.”

Older teens tried in adult court face significant barriers to employment and education for the rest of their lives and are less likely to have access to rehabilitation. In contrast, when youth are tried in juvenile court they often receive intensive probation with supervision and rehabilitation, such as education, mental health services and substance abuse programs.

“Recent polls have shown that the general public supports raising the age to 18 and recognizes that spending on rehabilitation and treatment for youth, rather than trying and incarcerating them with adults, will ultimately save tax dollars,” says Birckhead. “For me, the bottom line is that whatever they are alleged to have done, children are still children – emotionally, neurologically and cognitively.”

Birckhead’s research has received significant attention at both the state and national levels. In November, the Raleigh News & Observer published an op-ed written by Birckhead on the subject of raising the age, and she has been interviewed by radio and print reporters across the state on her findings. Birckhead recently testified before the Governor’s Crime Commission for their study on raising the age of juvenile court jurisdiction. The state’s premier child advocacy organization, Action for Children North Carolina, has embraced Birckhead’s findings and has issued a press release about her research. In addition, the Campaign for Youth Justice, a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system highlighted Birckhead’s research in their newsletter and interviewed Birckhead for their radio program, “Juvenile Justice Matters.”
Formalization of property rights in the Republic of Niger worsens the lives of slaves who now have no rights to the land they have worked for generations, according to Professor Thomas A. Kelley. Kelley, faculty advisor of the Community Development Law Clinic, details his observations in the Fall 2008 issue of the American Journal of Comparative Law.

“I wanted to know how law is handled in a remote and rural part of the world that is about as unconnected to globalization as you can get,” says Kelley, who was a Peace Corps volunteer in Niger from 1986 to 1988 and returned as a Fulbright scholar from 2003 to 2004. Kelley studied the affects of slavery in the Zarma tribe.

Kelley cautions that the term “slave” as it applies in the Zarma tribe in Niger does not have the same meaning as it does in the United States, where it implies that one person owns another as property. Instead, in Niger it is an inherited, unshakable low and dependent social status similar to that in a caste system. His article, which focuses on the effect of implementing Western-style legal definitions of property and ownership, is the third in a series resulting from his field research. Legal definitions of property are important to economic development in many ways, not the least of which is to provide a businessman or consumer with collateral to secure credit. But the assumption that formalizing ownership will lead to economic growth might not be correct in Niger, says Kelley.

The push to formalize land ownership rights in Niger is ignoring the slave class of people called horso, who traditionally work the land for the noble class of Nigerians. According to Kelley, the noble class believe their rights to their lands were secured by their ancestors. Historically, they have had an obligation to support their dependents, including the horso on their lands. But with the redefinition of property rights, noble families have been increasingly inclined to obtain a title to the land and then remove the horso from it, leaving them without a way to support themselves or their families. Many horso families have worked the land for generations, a fact which Kelley believes should be acknowledged under the new legal system but is not.

“My conclusion is that it is doing a lot more harm than anyone said it would. I have provided concrete examples and my question is, given Niger’s low prospects for trade and economic development, is it worth it? It’s causing a lot more harm, social dislocation and unfairness than anyone said it would,” says Kelley.

Kelley returned to Niger this spring to study the recently instituted business formalization programs in the capital city that are being paid for and designed by the Millennium Challenge Corporation, a U.S. government corporation established in 2004 to help reduce global poverty through the promotion of sustainable economic growth.
“Our non-partisan Election Protection work was really about the ‘ultimate’ civil right – participating in the selection of our governmental leaders.”

—CHARLES DAYE

Examining the Lessons Learned during Election 2008

NORTH CAROLINA VOTERS NEED MORE INFORMATION about how to register to vote and what to expect at polling stations, according to UNC School of Law faculty and staff who coordinated an Election Day volunteer hotline for the state’s voters.

UNC School of Law students, staff and faculty responded to North Carolina voters from 6:30 a.m. to 8:30 p.m. on Election Day 2008. More than 120 volunteers answered phones in two-hour shifts as part of the nonpartisan Election Protection project, a national program sponsored by the Lawyers’ Committee for Civil Rights. The purpose of the hotline was to give voters information if they had questions about voting or encountered problems at the polling place. With a record number of new voters participating in the election and more than 1,000 phone calls received at the center, the team at UNC believes that its work made it possible for many more voters to cast a ballot in the state of North Carolina.

“Our nonpartisan Election Protection work was really about the ‘ultimate’ civil right – participating in the selection of our governmental leaders,” explains Henry P. Brandis Professor of Law Charles Daye, deputy director of the UNC Center for Civil Rights, which hosted the volunteer effort in collaboration with the UNC School of Law Pro Bono Program. “We learned that in too many instances, voters experienced avoidable problems: lack of information, misleading information, broken voting machines, insufficient elections staff or equipment, and a few cases of attempted intimidation and voter suppression.”

Voter education and additional training for poll workers should be a top priority for future elections, reports Mark Dorosin, a senior attorney at the Center for Civil Rights.

“The biggest issue that is still out there is around registration,” Dorosin says. “We got a lot of calls that indicated voters are confused about when to register, when to re-register if they have moved and what to do if they haven’t registered.”

North Carolina allowed people who missed the voter registration deadline in October 2008 to register and vote the same day during the early voting period (Oct. 16 - Nov. 1). North Carolina law, however, does not allow potential voters to register on Election Day.

Dorosin says sluggishness in the systems that handle absentee voting and voter registration information also needs to be addressed. “Some people, including people serving in our military, reported that by the time they received their absentee ballots it was too late to send them back in,” says Dorosin. “In other situations, people registered in time but it’s likely that their registration was not processed in time for them to vote on Election Day.”
Below: Sylvia Novinsky, assistant dean for public service programs, left, and Charles Daye, deputy director of the UNC Center for Civil Rights, center, working at Election Protection 2008. At right: Christian Ohanian 1L talks with a voter. Far right: Mark Dorosin works with Clay Martin 1L.

Photos by Donn Young.
Center for Civil Rights Helps Preserve 100-Year-Old African American Family Property

THE UNC CENTER FOR CIVIL RIGHTS, whose mission includes working to protect low-wealth and minority owners of heirs’ property against land loss, recently helped the owners of century-old family property preserve rights to their land. Through detailed research and negotiation, the center was able to clear the title and re-establish family ownership of the property without litigation.

Eliza Carter and other members of her family, African American landowners in Warren County, N.C., contacted the center in 2007 after they noticed in the Warrenton Record that family property in which they had a vested interest had been sold without their consent. Carter reported a possible wrongful conveyance, or selling, of property that had been in the family since at least 1907.

With investigative assistance from the center and UNC School of Law pro bono students, and in partnership with the Durham-based Land Loss Prevention Project, it was determined that a family member inadvertently conveyed more interest than he owned in his family’s property to a non-family member who had previously purchased an adjacent portion of the family’s estate land. The purchaser was using the land as a staging area and dumping pit for a contracting business.

After a series of discussions with opposing counsel, the center was able to resolve the dispute without litigation and conclusively re-establish its clients’ clear title and ownership of the family homestead, thereby preserving this invaluable historic, emotional and economic asset for the family.

The U.S. Department of Agriculture reports that African Americans are losing land two and a half times faster than white landowners. This disproportionate decline has occurred so rapidly that African Americans now own less than one percent of all privately owned rural land in the United States.

Among the various causes of land loss are those that stem from the vulnerabilities of owning land as tenants-in-common, which under current law enables any heir to sell their legal interest in the property to anyone they choose, without the other family members’ permission or even knowledge. The law makes it difficult for the family to reclaim ownership, even if the sale occurred under questionable or fraudulent circumstances.

The Center for Civil Rights is a member of the Heirs Property Retention Coalition, a group of state and national organizations committed to developing and advancing new model legislation that will make it easier for families to preserve and protect their land. The coalition hopes that new laws, education and legal representation will help shelter historic family land and ensure stable ownership structures that will help preserve family rights.
AS THE TALLY OF national economic woes increases and lost jobs reach into the millions, the UNC Center on Poverty, Work and Opportunity examines alternate ways forward with interdisciplinary events designed to highlight the plight of the poor and spark a dialogue about the best responses.

“We are hoping that out of this crisis we as a nation can begin to build a healthier, more sustainable, and fairer economy,” says center director Gene Nichol, professor of law. “We want to encourage a public debate about these issues by bringing in speakers like Larry Mishel, president of the Economic Policy Institute.”

Mishel presented “The Squeeze Behind Us, the Pain Ahead and How to Reach Shared Prosperity” at UNC School of Law in February. The event was standing room only and drew from schools across campus.

“It will take an engaged citizenry to put our economy back on the right track – a better track,” says Nichol.

In December 2008, Nichol was the lead-off witness for the Joint Legislative Study Commission on Poverty Reduction and Economic Recovery. The commission was established by the North Carolina General Assembly in 2008 to study poverty in the state, especially in rural areas and places that have been hit hard by job loss. Nichol framed the issues by describing the levels of poverty and inequality in the United States and pointing to anti-poverty strategies adopted by other states.

According to Heather Hunt, assistant director of the center, “Part of the center’s mission is to call attention to the plight of the poor in the United States. That involves public events that shine the spotlight on the situation.”

Inviting the public to interact with speakers such as Mishel or participate in the upcoming Poverty Awareness Week serves this purpose. As part of Poverty Awareness Week, the center co-sponsored an early April viewing of the documentary Change Comes Knocking and a keynote address by Howard Fuller, director of the Institute for the Transformation of Learning at Marquette University in Wisconsin.

“Our concern now is that the poor be included in the discussion on the economic recovery. The tendency is for politics to appeal to its constituency, which is the broad middle class, and when you do that you sometimes leave out the truly poor. Even though they are disproportionately impacted by the situation, they are not benefiting from the solutions,” explains Hunt.

On Monday, April 13, the public is invited to attend a performance of Blood Done Sign My Name, a one-man play based on the historical memoir by Tim Tyson, who will be on hand to answer questions. In the book, Tyson, a senior research scholar at the Center for Documentary Studies at Duke University, discusses the struggle for civil rights in Oxford, N.C., during the Vietnam era. The evening performance is sponsored by the Poverty Center and takes place at 7:30 p.m. at Gerrard Hall on the UNC campus.

Other spring events included a policy conference on April 9 that focused on ensuring resources for the poor in North Carolina and a panel discussion of immigration issues on April 16. Details about both events are available at www.law.unc.edu/centers/poverty.

“This is an opportunity to really shake things up. Can you have a policy that benefits everybody? Do some people get locked out? That’s what we’re trying to address,” says Hunt.
Members of the Middle Temple Society have included five men who signed the Declaration of Independence and seven who signed the U.S. Constitution— as well as the U.S. ambassador to the United Kingdom. But for contemporary purposes, the weeklong visit was part of a fledgling cultural exchange program with British barristers in training.

“The core of the program is a series of moots between the two teams of UNC School of Law students and two teams of Middle Temple students,” explains Christa Richmond, deputy under treasurer (education) of the Honourable Society of the Middle Temple. Richmond accompanied the British exchange students on a visit to UNC in 2007. “In the case of the Middle Temple, the teams who travel to Chapel Hill are the finalists of our internal competition for the Rosamund Smith Mooting Cup. The two teams who reached the final were the best of 64 competing.”

LEARNING A DIFFERENT SYSTEM
The exchange goes beyond competition— students have the opportunity to meet with legal professionals and other students in London and the U.S., which introduces them to a system of laws that differs from their home country.

“I think there is a growing realization that American lawyers can benefit from an understanding of how other nations conduct law,” says Bev Sizemore, director of international programs at UNC School of Law. “Even if you don’t plan to practice international law or law in a foreign setting, you need in this global economy to understand other legal systems and perspectives in a general way. We try to start that process by having law students gain more exposure to and experience with law outside of North Carolina and
You learn that there are different ways of approaching legal issues, and even when those approaches aren’t directly applicable in our system, critical thinking skills are honed.”

The students participated in moot court trials at UNC, and were then selected to travel to London. They went armed with Carolina Law umbrellas but little knowledge of what to expect, says third-year law student and president of the Student Bar Association Matthew Modell. “We’re all going into litigation and for all of us this was the first opportunity to compete in a moot court competition at an international level,” says Modell.

“We didn’t know what to expect, but I think we were surprised by how similar the British and American systems are, in many respects,” says Modell. “One of the skills I saw in the British was their formality, which can be a good tool to disarm difficult situations.”

**MIDDLE TEMPLE TRADITION**

In addition to participating in three moots in the historic Royal Courts of Justice and the Old Bailey, the students were able to tour London, accompanied by Professor Kenneth S. Broun, former dean and Henry Brandis Professor of Law, and his wife. Broun also served as a judge for the moots along with a judge or lawyer from the Middle Temple Society. While the systems of law differ at points, the students were challenged with a common law problem that could arise in either system, Broun says.

Broun explains that the Middle Temple Society is part of a system of Inns, or societies, to which all practicing barristers belong. Barristers in training who have received the British equivalent of an undergraduate legal education get the rest of their professional education through the Inn to which they belong.

“Membership in the Inn of Courts provides both an educational and a social hub,” says Broun. “Members are required to have a meal at the Inn of Court at least once a month.”

The UNC students and Broun stayed in a section of the Middle Temple that has been renovated into guest housing. Hosting of students and faculty is arranged by the host institution, while the visiting institution pays airfare and costs.

While in London, the UNC team hosted a reception for their peers at Winston House, an academic facility that UNC purchased with private funds in 2005 as its first academic center abroad.

“I think the students had a very good time, and I think they did very well,” says Broun.
Responding to Need

UNC School of Law Reacts to Economic Crisis

BY KATIE BOWLER AND MADELINE VANN
PHOTOS BY DONN YOUNG
Summer and fall of 2008 may be best remembered for historic headlines – many of which rang of “credit default swaps” and “securities regulation,” the often misunderstood catalysts of a major financial meltdown. With shockwaves profoundly affecting the professional and personal lives of everyone, UNC School of Law faculty and staff took on the challenge of helping one another and members of the public better understand the issues at hand.

Questions about the implications of the financial crisis have been flying fast and furious, and the faculty at UNC School of Law responded last fall with forums and information to help people navigate through the issues. At the same time, the school has continued developing initiatives to assist students and graduates with finding employment.

“Even with the depth of support our faculty and staff have always provided students,” says Jack Boger ’74, dean and Wade Edwards Distinguished Professor of Law, “something above and beyond felt necessary.”

In January, therefore, Boger convened a special committee, led by Brian Lewis, assistant dean for career services, which draws on administrators and faculty from across the building, to develop a series of measures to assist students facing employment challenges. This group created a special set of responses that includes opportunities for new school-based research assistantships and center-based internships, additional summer grant funding, pre-employment training in legal research, broader bar preparation support, bar application fee assistance and more.

“Our faculty and staff are exploring ways to support our students during this financial crisis,” says Boger. “The deterioration of the economy has created major hardships for many people, especially our students, since they are looking for first-time legal employment at a time when the opportunities have substantially contracted.”

Faculty in Demand

The school’s faculty continue to develop new projects, initiatives and courses in response to the local and global financial crisis. Course offerings such as a seminar about the workings of the International Monetary Fund and continuing legal education programs with a focus on current issues of finance, bankruptcy, and taxation are products of faculty leadership in the field.

In early October, law faculty conducted the Financial Crisis Roundtable at UNC School of Law for faculty, staff and students. Professor Adam Feibelman moderated the discussion between Lissa Broome, Wachovia Professor of Banking Law and Director of the Center for Banking and Finance; Tom Hazen, Cary C. Boshamer Distinguished Professor of Law; Donald Horstein, Aubrey L. Brooks Professor of Law; Melissa Jacoby, George R. Ward Professor of Law; Kimberly Krawiec, professor of law; and Saule T. Omarova.

Shalika Shah 3L, publication editor, and Meghan F. McClure 3L, institute editor, for the Banking Institute Journal.

“While none of us is certain about the future consequences of the economic situation, our faculty have responded in earnest to help our students, alumni, and the general public decipher what is happening.”

—DEAN JACK BOGER
professor of law. They sought to provide a brief description of the crisis and offer the perspectives of law school faculty on their areas of expertise. The event was so popular that attendance was standing room only, notes Broome.

Two weeks later, the faculty helped organize a University-wide public forum entitled, “The General Alumni Association Think Fast Forum: Financial Crisis – Issues and Options.” Broome, Hazen and Hornstein participated, along with faculty from the Kenan-Flagler Business School, the Department of Economics and Eugene Flood, CEO of Smith Breeden Associates, Inc. Nearly 175 people attended the event.

The forum was moderated by American Public Media’s “Marketplace” reporter Janet Babin and was hosted by the UNC General Alumni Association at the George Watts Hill Alumni Center. Panelists discussed capital markets, insurance, federal regulation of banks, securities and derivatives, monetary and economic policy, and discussed their views on the implications of recent events in the financial world. Members of the audience asked questions about the impact of inflation, government bail outs, and investment strategies.

“This gave participants a forum in which to ask questions about complicated issues that still remain elusive to many,” says Boger.

“And while none of us is certain about the future consequences of the economic situation, our faculty have responded in earnest to help our students, alumni, and the general public decipher what is happening.”

“Part of the problem with the whole crisis is that many financial instruments are so complex and borrow from so many different disciplines that a lot of them fell through the gaps in the applicable regulatory structure,” says Hazen, who specializes in securities regulation. “Where academics can be helpful is to help point out where those gaps are and how to fill them.”

Hazen suggests that the complexity of the issues at hand requires a thoughtful, ongoing response. Through continued discussions, research and publications, he adds, professors at the school have a unique opportunity to facilitate communication among professionals in different but interconnected fields of finance.

Understanding the Causes

Broome has been a part of two additional events that further elaborated on the state of banking today. The Festival of Legal Learning in early February included several one-hour sessions about understanding the financial crisis. And in late March, the 13th Annual Banking Institute in Charlotte focused on the crisis in conjunction with the annual publication of the North Carolina Banking Institute Journal, in which readers will find an 80-page, extensively researched article about the roots of the financial meltdown.

The article was written by Eamonn K. Moran, research associate for the Center for Banking and Finance. Moran, a Georgetown University Law Center graduate, was himself a victim of a law firm layoff as a result of the financial crisis. He is working with the center as a volunteer on a number of projects related to the crisis. In addition, the Banking Institute Journal contains several short pieces providing perspectives on the financial crisis by UNC School of Law faculty – Lissa Broome, Charles Daye, Thomas Hazen, Melissa Jacoby, and Saule Omarova. “These are scholars,” says Boger, “to whom many repeatedly turn to help them understand the legal issues associated with a hugely complex finance industry.”

“Hopefully the institute and the article will help provide some context for people who are living through this crisis. The institute brought a lot of good minds together, both from academia and from the corporate world, and gave us a chance to hear what they see happening in the market place and what they believe may be the best steps going forward,” says Broome, who believes that solutions proposed by academics can blend with “real-world” solutions to create a better resolution.

“Our state plays such a prominent role in the banking industry. At the center, we feel we are in an ideal situation to provide perspective and analysis on the financial crisis,” says Broome. “Our ability to synthesize and explain complex concepts is helpful in bringing people up to speed who might not have had an opportunity to think about these issues before.”

The Beginnings of a Loan Repayment Assistance Program

One of the most significant recent funding initiatives that the school has launched is the Loan Repayment Assistance Program (LRAP), which will help graduates working in public interest careers repay their law school loans. The pilot program was offered earlier this year to the classes of 2007 and 2008, plus May 2006 graduates who had judicial clerkships, and the process provided the school with substantial information about how to move forward with the program. An additional cohort is expected to be invited to apply this fall.

“Every year I work with a lot of talented students who go on to pursue public service,” says Sylvia Novinsky, assistant dean for public service programs and chair of the LRAP committee, “and this is the kind of program that really helps makes a public service career a more viable option for many of our students.”

“Carolina Law has a deep commitment to educating lawyers who will work in public interest after graduation, often at salaries far below those offered in private practice,” says Jack Boger ’74, dean and Wade Edwards Distinguished Professor of Law. “Many of our students expressed a willingness to pay slightly higher tuition rates in part to create a new revenue stream that would support our new loan repayment assistance program for lawyers who decide to enter into public service work. We are proud to begin this new program.”

While the program is initially funded by tuition dollars, the school expects the program to grow with alumni support. “Our alumni have always helped provide scholarship support and support for other student services,” says Paul Gardner, associate dean for advancement, “and we really believe this is a program that will continue growing.”

More information about the program is available at www.law.unc.edu/studentlife/finance/lrap. Those interested in contributing to the program should use the provided reply envelope or make a gift online at www.law.unc.edu/alumni/giving.
Preparing Young Lawyers for a Tough Economy

As Carolina Law faculty rise to the challenge of helping our community better understand the financial crisis, law students are facing the challenge of finding employment during a difficult time. The UNC School of Law Career Services Office has stepped up its activities to prepare students for the job market they face, and continues to draw on diverse resources and connect students with viable employment.

“I’ve been helping law students find employment since 1987,” says Lewis, “and during that time there were at least two or three major dips in the job market. Though none was as severe as what we’ve seen recently, one thing I’ve learned is that there will always be jobs out there. Success in obtaining them is all a matter of knowing where to look and how best to apply, and the entire career services team is here to help.”

The career services office regularly arranges opportunities for networking and interviews for students. Students can take advantage of a wide variety of services including resume and cover letter critiques, interview skills practice and one-on-one job search strategy sessions. This spring semester, the office has scheduled approximately 30 programs, half of which are geared toward job search skills training. The others will offer students the opportunity to network with practicing attorneys and hiring personnel. Programs for 1Ls and 2Ls will focus on how to succeed in their summer jobs. Programs for 3Ls will help them develop strategies for finding permanent employment in a tough economy.

“Inevitably, the positions that are available will be taken by those who are most prepared and present themselves as consummate professionals,” says Lewis.

Students who are seeking summer jobs may face more hurdles than in previous years, he says. Many law firms are cutting back their summer hiring, and though government and public interest agencies are still looking for interns, there are more students applying for those positions.

“We have been fortunate this year,” says Lewis, “to be able to help more of our students. We recognized that this would be a tough year for employers to take on summer hires, and we’ve gained additional funding to help provide students grants for unpaid public service, and we’ve been able to offer additional research assistantships.”

Ever the professor, Broome points out that current law students are completing their studies – and their job searches – in a historic context.

“One of the things I talked to my students about when I was teaching banking law this fall was the importance of history. I tell them ‘Keep your eyes and your ears open because you are watching history being made. You are reading in the newspapers about the so-called bail-out bill and the problems getting that through Congress, you need to appreciate the knowledge you are soaking up now because it will help you be a better lawyer down the road, because history will repeat itself,’” she says. “There are many lessons to be learned from this one, so hopefully we can avoid many of the same mistakes in the future.”

Learning Global Lessons

The financial crisis is providing an unanticipated learning laboratory for students interested in international finance issues. In Fall 2008, a handful of students analyzed the International Monetary Fund (IMF) with Sean Hagan, general counsel and director of the legal department at the Fund. Hagan joined associate professor Adam Feibelman in teaching a seminar focused on the IMF.

Along with the World Bank, the IMF was created in the wake of World War II. It became a legal entity in 1945, after 29 countries ratified the IMF’s Articles of Agreement. Today, 185 countries are members.

In the latter part of the 20th century, the IMF began to play a broader role in providing financial and technical assistance to developing countries and former Soviet states then transitioning into the global economy. Recently, the IMF announced a program to make it easier for nations to secure funding intended to stabilize their economies.

In the seminar, students examined the IMF as a legal domain – its internal workings as a legal entity and its external activities as an important international financial institution. The seminar also gave significant attention to the IMF’s role in the unfolding global economic crisis and the impact of the crisis on the IMF itself.

“This would have been a fascinating seminar any time, but the economic crisis that unfolded throughout the summer and fall made this an especially interesting time to be studying the IMF,” says Feibelman.
Kathrine Robinson Everett, a Pioneer for Women in Law

BY KATHERINE C. KOPP

KATHRINE ROBINSON EVERETT, a member of the class of 1920 and one of the first female attorneys in North Carolina, set a path for the generations of women who followed her. The sole woman in her law school class, she graduated first in the class and was the top scorer on the state bar exam in 1920. Just a month later, she became the first woman to argue and win a case before the North Carolina Supreme Court. Among her many accomplishments was advocating to help women register to vote after gaining their rights.

Judge Susie Sharp, who was a chief justice of the North Carolina Supreme Court, the first female superior court judge in the state, and a member of the class of 1929, recognized Everett as both a leader and a role model. She described Everett as “an inspiration to other women lawyers ... one of the first ... who broke a lot of ground for those who followed.”

“The women’s suffrage fight was getting pretty hot at that time, so I met and saw a lot of very interesting women ... and I think that gave me more of a desire to try and do a little more.”

-KATHRINE R. EVERETT
Everett was dedicated to her chosen profession, practicing law in the state for more than 70 years. She was also dedicated to the university, and in 1999 her estate donated $2 million, which led to the naming of the law library in her honor. Today, as patrons enter the library, they walk past a portrait of Everett painted by Lee Lively.

Everett was born in Fayetteville in 1893, one of two daughters of Henry McDiarmid Robinson and Mary Hill Robinson. Her mother died before she was two years old, and an aunt moved in to help her father raise her and her sister. Despite this early loss, Everett always considered herself very lucky. The Kathrine R. Everett and R. O. Everett 1851–1992 papers in the UNC Southern Historical Collection include numerous handwritten and typed biographical documents that repeatedly express gratitude for the life she was born into and the family that surrounded her. Everett credited her father, a successful attorney, with inspiring her to consider a career in law, despite knowing first-hand that it was a male-dominated profession and could thus be a difficult career path for a woman.

“My father was very forward looking,” said Everett in an oral history recorded by UNC’s Southern Oral History Program in 1985. “He believed that women had enough sense to do whatever they wanted to if they tried. So he encouraged us.”

Everett’s son and only child is Judge Robinson Everett, who today is a professor of law at Duke University. He recalls that his mother had a strong awareness of and appreciation for her relatively privileged background that afforded her opportunities not available to most women of her generation. “My mother was always very
“Watch out, Kathrine. You don’t want to be like the Irish potato with your best part under the ground.”

In one of her many handwritten notes, Kathrine Everett ‘20 recalls her father’s advice.
“She didn’t talk about being a leader, but she certainly had an influence on so many throughout her life.”
—GREG EVERETT, GRANDSON OF KATHRINE EVERETT

appreciative of her family, particularly her father,” he said. “She tried to follow in his footsteps in many ways.”

After graduating from college in 1913, she did what many educated young women did in the early 20th century: taught school. She taught for one year in Mount Airy, and then moved to Salisbury for a second year.

Her initial career path did not resonate with her. “I decided that teaching was not to be my permanent career,” she said in the oral history, “as I’d been brought up with lawyers.”

She was also motivated by her growing interest in the women’s suffrage movement. “My father had been at the University of Virginia with Woodrow Wilson,” she recalled, and he “decided he’d take the whole family to Washington for the inauguration [after Wilson was elected President]. The women’s suffrage fight was getting pretty hot at that time, so I met and saw a lot of very interesting women…and I think that gave me more of a desire to try and do a little more.”

After her two years as a teacher, Everett spent a year in Washington, D.C., helping out with the WWI war efforts and taking courses at Washington College of Law. She also attended two years of summer programs in law at Columbia University in New York “to see if I liked law well enough to go into it as a profession.” By the time the war ended in 1918, she was ready to apply to law schools.

Everett was admitted to the University of North Carolina and was able to graduate in just one year due to the coursework she had already completed. After graduating in the spring of 1920, she joined her father’s law practice in Fayetteville.

**A Woman in Law**

Everett would soon win her share of attention as one of the few female lawyers practicing in eastern North Carolina at that time. Early in her career, she often remarked that “people would come from miles around to see a lady lawyer!” With women having recently received the right to vote, Everett also received attention for working diligently to help register women voters in Cumberland County.

“I remember my mother saying that she would visit women’s homes in the daytime while their husbands were at work,” said Judge Everett. “A lot of men did not want their wives to vote, and my mother tried to work around this. She recognized the reality of the times, and was persistent but also tried to be diplomatic in her effort to register women voters.”

**Everett’s Career & Personality**

“[My mother] had a real spirit of adventure,” said Judge Everett. “She traveled well into her 80s. She went to Russia in the 1970s, and to China and India, among other places.” Among her travels, she attended all four of the American Bar Association meetings held in London from 1924 to 1985, resulting in *The Times* of London running a photo and story in 1985 about her being the only attorney to do this.

She was also drawn into politics, which combined her interest in law and public service. “She was very interested in the political process,” said Judge Robinson Everett. “Her father had been the mayor of Fayetteville twice, and that was something that influenced her decision to run for public office.”

Kathrine Everett was a member of the Durham City Council from 1951 until 1971, and was one of the first two women elected to the council, along with her counterpart, Mary Duke Biddle Semans, in 1951.

“She never spoke about being a beacon or a role model for women,” says her grandson, Greg Everett. “She didn’t talk about being a leader, but she certainly had an influence on so many throughout her life.”

Kathrine Everett chose not to run for reelection as a result of her husband becoming ill, but she continued her general law practice in Durham until she was 97, the year before she died. “At that time,” says Judge Robinson Everett, “I believe she was the oldest practicing attorney in America.”

UNC School of Law is pleased to announce the establishment of the Everett Society, a giving society honoring donors who make documented planned gifts to the school. The society is named for Kathrine R. Everett ’20. Everett was the only woman in the class of 1920, and she graduated first in the class. She was one of the first women admitted to the state bar, was the first woman to argue a case—which she won—before the North Carolina Supreme Court, and was one of the first two women to serve on the Durham City Council, a seat she held for 20 years.

Nearly 40 donors have already made known their intention to establish a bequest or planned gift to benefit the school. For more information on planned giving, contact PAUL GARDNER, ASSOCIATE DEAN FOR ADVANCEMENT, at 919.843.6998 or epaulg@email.unc.edu.
**REGINALD “REGGIE” SHUFORD ’91**

**QUESTION AND ANSWER.**
That is the method by which Reginald Shuford, president of UNC School of Law class of 1991, takes on national questions of social and racial justice, such as racial profiling. His tendency to ask questions started in his early childhood – and continues to this day on a much grander scale.

“When we had visitors to the house I was very inquisitive – I would pull them aside and just pepper them with questions. More than one time I heard ‘Well, kid, you sound like a lawyer,’ and so even at six years old I figured that if lawyers got to ask a lot of questions, then that was the career for me,” recalls Shuford, who dedicated the energy of his school years to making sure he could become a lawyer, one with a civil rights focus.

**Guided by Principle**
As senior staff counsel with the Racial Justice Program at the American Civil Liberties Union (ACLU) Foundation’s National Headquarters in New York, and the organization’s attorneys of color retention and recruitment officer, Shuford has found a position in which he thrives, able to both educate the public and work with people he considers “some of the most brilliant, committed people in the country.”

In nearly fourteen years at the ACLU, Shuford has tackled a number of thorny problems, but he says he is most proud of the work he and his colleagues have done to create a body of law addressing the injustices of racial profiling. For example, after ten years, Shuford and colleagues obtained a favorable settlement in April 2008 on behalf of plaintiffs in the highly publicized “driving while black” case against the Maryland State Police. Work that began with challenging highway traffic stops of African American drivers also has found application in post-9/11 airline discrimination cases.

“The principles are the same: you’re relying on race and national origin with no concrete evidence of wrongdoing. The law forbids that,” says Shuford. “So by being guided by principles even in a different social climate, my colleagues and I persisted in making sure this connection was not lost.”

**A Carolina Law Education**
Shuford credits his legal training at Carolina Law with preparing him to tackle tough legal questions.

“The primary way that Carolina Law prepared me for my career as a civil rights and liberties attorney is that it taught me the sound, fundamental and extraordinarily important skills of legal research and writing, and oral advocacy. I call upon that training quite a bit in what I do,” he says. “Moreover, I felt there was a place – even larger now, thankfully – at Carolina Law for public interest-oriented people like myself.”

Although the debate over the use of racial profiling is far from resolved, he believes the ACLU has successfully educated the public so there is less tolerance for this approach. He now has his eye on another complex question: how to ensure all children have access to a meaningful education.

“I know the value of education; it’s been valuable in my own life. When education is not a priority of educators for certain students, then that’s a problem,” says Shuford, who is one of the lead attorneys in a lawsuit filed against the Atlanta Independent School System by the ACLU on behalf of eight students and a potential class. The lawsuit challenges the AIS’s decision to allow a for-profit company to run the city’s alternative school. “I think one of our biggest priorities is challenging the school-to-prison pipeline, in which schools fail to prepare children for productive lives and simply funnel them into the juvenile justice system.”

As always, Shuford sees his efforts as a collaboration, not just with his legal colleagues but with the public. Shuford’s work has taken him around the country and world – and under the bright lights of a multitude of national and local news programs where he has the opportunity to explain the issues at hand. He welcomes the spotlight.

“Principle – constitutional, legal and moral – the laws of the land, and what is right and wrong dictate what we do. With that clear mandate, I welcome my role as a spokesperson for the ACLU on issues of significant public importance,” says Shuford. “A large part of the work that I do is about public education and so when you educate the public, you arm people with information and give them the ability to advocate on their own behalf. It becomes a movement of sorts.”
“I tried to weigh how I could use the rest of my working years most effectively. Was it trying to make immediate change in policy or helping to create an environment in which more leaders ... can be developed who will care about the common good?”

From the Bench to College Presidency

BY MADELINE VANN
PHOTOS BY BILL GIDUZ

TAKING THE LONG VIEW with an eye toward the public good characterizes the career of Thomas W. Ross Sr. ’75, whose professional path led him from Carolina Law to the bench and currently the office of the president of Davidson College in Davidson, N.C. A solid liberal arts and legal education is the underpinning of his success, says Ross.

“I think a legal education sharpens one’s mind, enables you to sort through information and figure out what the issues are that are contained therein. I think that kind of thinking helps you no matter what kind of work you do,” says Ross.

His passion for public service was honed as an undergraduate at Davidson, where he interned with the Legal Aid Society in Charlotte, N.C. During a time when the Department of Housing and Urban Development (HUD) was relocating low-income families in order to clear the land for housing developments, Ross was assigned to review the proposed new houses for suitability.

“What I found was not only were many of the houses inadequate, but HUD had listed numerous properties that didn’t even exist. That was sort of a raw example that caused me to understand the law in addressing that kind of injustice and my desire to be a part of it,” recalls Ross, who went on to become the youngest N.C. Superior Court Judge after a varied early career, including being in private practice and an instructor at the UNC School of Government.

Revising the State Sentencing Guidelines
Ross has used his legal training repeatedly to change policy for the greater good. As a judge, he was appointed in 1990 by the chief justice of the N.C. Supreme Court to chair a newly formed Sentencing and Policy Advisory Committee, which he led for nine years.

Despite a national trend towards strict and sweeping incarceration policies, the committee under Ross’ leadership developed a sentencing reform package that channeled nonviolent offenders and property offenders into community corrections programs while remaining tough on violent or career offenders. The package was passed in 1993 and implemented in 1994.

Ross believes community corrections approaches are beneficial to society as a whole because nonviolent offenders have the opportunity to reform and to make restitution to their victims, an important consequence of property crimes that often can not be fulfilled if the perpetrator is in jail.

Ross’ commitment to reform received national acknowledgement when the late U.S. Supreme Court Chief Justice Rehnquist personally presented him with the William H. Rehnquist Award for Judicial Excellence.

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1956

WILLIAM E. GRAHAM JR. retired from Hunton & Williams after 15 years of service.

CHARLES E. MELVIN JR. of Smith Moore Leatherwood was named among North Carolina’s Legal Elite 2009 in the area of real estate by Business North Carolina and was listed on Woodward & White’s 2009 list of The Best Lawyers in America.

1956

1961

FRANK R. BROWN retired after 30 years of service as resident Superior Court judge for the 7th Judicial District of North Carolina.

1962

JULIUS L. CHAMBERS received the 2009 Spirit of Excellence Award from the American Bar Association’s Commission on Racial and Ethnic Diversity for his efforts to promote diversity in the legal profession.

THOMAS LAFONTINE ODOM SR. was acknowledged in North Carolina Lawyer’s Weekly for a successful verdict representing a paraplegic woman from Charlotte, N.C., struck by a city bus.

1963

FRANK M. BELL JR. was named among North Carolina’s Legal Elite 2009 by Business North Carolina.

1967

MARTIN N. ERWIN of Smith Moore Leatherwood was named to Woodward & White’s 2009 list of The Best Lawyers in America and was also named among North Carolina’s Legal Elite 2009 in the area of employment by Business North Carolina.

H. MARTIN LANCASTER received the UNC School of Education’s highest honor, the Peabody Award, in recognition of his work to increase state and private funds for the North Carolina Community College System during his 11-year tenure as president of the system.

1969

HAROLD N. BYNUM was selected as a charter fellow of the American College of Environmental Lawyers and was named to Woodward & White’s 2009 list of The Best Lawyers in America.

1969

1970

FRANKLIN E. FREEMAN JR. retired following 40 years in public service, which included service as a Supreme Court justice, a North Carolina cabinet member and chief of staff to North Carolina governors. Since 2001, he had been liaison to the legislature for Gov. Mike Easley.

1972

E. LISTON “BO” BISHOP III was appointed executive vice president and general counsel for Unum Group.

1973

E. FITZGERALD PARNELL III received the North Carolina Chief Justice’s Professionalism Award at the 10th anniversary celebration of the North Carolina Chief Justice’s Commission on Professionalism.

STEPHEN T. SMITH was selected to lead the North Carolina Environmental Management Commission.

1975

WALTER H. DALTON was elected lieutenant governor of North Carolina, November 2008. He was also the December commencement speaker at Appalachian State University.

ROBERT FLYNN ORR was featured in North Carolina Lawyers Weekly for his work in politics and the North Carolina Institute for Constitutional Law.

E. GARRETT WALKER of Smith Moore Leatherwood was named among North Carolina’s Legal Elite 2009 in the area of real estate by Business North Carolina and was named to Woodward & White’s 2009 list of The Best Lawyers in America.

1976

MALCOM RAY HUNTER JR. stepped down from his position as first executive director of the N.C. Office of Indigent Defense Services.

BARBARA C. RUBY was named to Woodward & White’s 2009 list of The Best Lawyers in America.

1977

WILLIAM H. HIGGINS was promoted to partner at Reed Smith in Oakland, Calif.
1980

JANET MCAULEY-BLUE was appointed managing attorney of the Greensboro, N.C., office of Legal Aid.

SHAWN G. RADER was named to Woodward & White’s 2009 list of The Best Lawyers in America. He practices in the areas of appellate law, commercial litigation, and real estate law with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., in Orlando, Fla.

1981

MARY BONEY DENISON was selected by the U.S. Secretary of Commerce to serve a three-year term on the Trademark Public Advisory Committee.

HOLMES P. HARDEN was elected to the Badger-Iredell Foundation of the Wake County Bar Association and 10th Judicial District Bar for 2009. He was named among North Carolina’s Legal Elite 2009 by Business North Carolina in the category of bankruptcy law.


KIMBERLY S. TAYLOR was honored with the Order of the Long Leaf Pine award, the highest civilian award in North Carolina, given to individuals with a record of exemplary service to the state and community.

1982

E. KENT AUBERRY of Smith Moore Leatherwood was named among North Carolina’s Legal Elite 2009 in the area of business law by Business North Carolina and was named to Woodward & White’s 2009 list of The Best Lawyers in America.

1983

DENISE SMITH CLINE of Smith Moore Leatherwood was named among North Carolina’s Legal Elite 2009 in the area of employment by Business North Carolina.

1984

ROBIN J. STINSON was named among North Carolina’s Legal Elite 2009 by Business North Carolina.

1985

DAVID J. BURGE was appointed to the board of the Georgia Real Estate Commission by Georgia Gov. Sonny Perdue.

WILLIAM T. DYMOND JR. was named to Woodward & White’s 2009 list of The Best Lawyers in America. Dymond practices in the area of real estate law with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., in Orlando, Fla.

1986

BARBARA RAND MORGENSTERN is an adjunct professor of family law at Elon University School of Law for the 2008-09 academic year.

ELIZABETH D. SCOTT received one of the 2008 Women Extraordinaire Awards from Business Leader Media. Scott is the first Williams Mullen attorney to receive the award.

1987

SUSAN E. RHODES was certified by the N.C. State Bar as a specialist in workers’ compensation law.

1988

T. TODD PITTENGER was named to Woodward & White’s 2009 list of The Best Lawyers in America. He practices in the areas of commercial litigation and intellectual property law with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., in Orlando, Fla.

WILLIAM ANTHONY TURNER was named to Worth magazine’s list of Top 100 Attorneys for 2008. He is a partner with Cohen Pollock Merline & Small, PC in Atlanta, Ga.

1989

KATHRYN F. TWIDDY was promoted to group vice president, general counsel, development and services for Misys PLC, a leading global applications software and services provider.
1990

MICHAEL A. DEMAYO and members of The Law Offices of Michael A. DeMayo purchased holiday gifts for 60 needy children during its annual participation in the Salvation Army’s toy drive.

JAMES KEVIN FOWLER was named managing attorney for Clarksville, Tenn. Legal Aid Office.

JAMES D. FREEMAN was a recipient of the John Marshall Award for his outstanding achievement in litigation.

R. ANDREW PATTY II was named to Woodward & White’s 2009 list of The Best Lawyers in America. He practices intellectual property law at McGlinchey Stafford in Baton Rouge, La.

RAYMOND E. VAN DYKE joined the Washington, D.C., office of Merchant & Gould, P.C., where he continues his intellectual property, antitrust and trade practice.

1991

ALEXANDER MAULTSBY of Smith Moore Leatherwood was named among North Carolina’s Legal Elite in the area of employment by Business North Carolina. Maultsby was also named to Woodward & White’s 2009 list of The Best Lawyers in America.

1992

CONSTANCE APOSTOLOU ANASTOPOULO joined the Charleston School of Law as a full-time assistant professor teaching torts and litigation.

ELIZABETH AYN FREHLING was promoted to deputy director of the North Carolina Coalition Against Domestic Violence.

1993

MATTHEW P. MCGUIRE was appointed to a term on the North Carolina Bar Association’s strategic planning and emerging trends committee.

1994

DAVID BURTON FOUNTAIN was promoted to vice president of the legal department of Progress Energy, where he will also serve as assistant secretary to the board.

1995

LISA FRYE GARRISON was named to Woodward & White’s 2009 list of The Best Lawyers in America.

STEVEN K. BARENTZEN opened his law firm, The Law Office of Steven Barentzen, in Washington, D.C.

SUZANNE M. CHESTER was elected as chair of the Government Action Committee of the North Carolina Association of Women Attorneys.

DIIONNE LOY FORTNER became president-elect of the North Carolina Association of Women Attorneys.

1996

MICHAEL BALLANCE was certified to conduct mediations in North Carolina Industrial Commission and Superior Court cases.

MICHELE L. FRAZIER was elected to the board of directors of the Wake County Bar Association and 10th Judicial District Bar for 2009.

1997

LONNIE JULIUS McALLISTER II was awarded the Marshall Memorial Fellowship for 2009.

1998

MILAN T. PHAM began her work in the seventh class of the William C. Friday Fellowship for Human Relations, a statewide program of the Wildacres Leadership Initiative.

BRIAN D. ROARK was elected as a member of Bass, Berry & Sims’ Nashville, Tenn., office.

ALEXIS N. STACKHOUSE was selected by the Department of Defense-Office of General Counsel for the position of defense counsel for detainees held by the United States at Guantanamo Bay, Cuba.

1999

EDWARD B. DAVIS was named among North Carolina’s 2009 Legal Elite by Business North Carolina.
JENNIFER WONDRAECK GREIG joined Elon University School of Law Library as a reference librarian. She works at the reference desk and in the government documents collection. She will also teach legal research.

ROBERT ANDREW WIRTH was promoted to assistant vice president with BB&T in Raleigh, N.C.

2005

AMELIA Y. BURNETTE joined the Southern Environmental Law Center in Chapel Hill, N.C.

ANDREW HARTLEY NELSON was named assistant general counsel at North Carolina State University in Raleigh, N.C.

HERBERT O. PHILLIPS IV joined the law firm of McGuire, Wood & Bissette in Asheville, N.C.

2006

JOHN C. LIVINGSTON received the Leadership in Environmental Energy and Design accreditation from the United States Green Building Council.


ANDREA DAWN SCHRAG joined Graydon Head & Ritchie LLP in Cincinnati, Ohio, in the firm’s human services client service department.

SARAH GRACE ZAMBON started a volunteer program in Henderson, N.C., where she coordinates activities for different charities in town. Her efforts have helped raise 265 toys for Toys for Tots, 700 pounds of food and more than $1000 for Relay for Life.

2008

STEVEN G. BELL joined Carruthers & Roth in Greensboro, N.C., as an associate.

ANGELA J. BURKE joined Thompson Coburn in St. Louis, Mo., as an associate.

BRIDGET M. GOSS joined The Deuterman Law Group in Greensboro, N.C., where she will focus on workers’ compensation.

LESLEY THOMAS GRAB joined the law firm of Kilpatrick Stockton in Winston-Salem, N.C.

REBEKAH GONCAROV GRAFTON joined the Boston, Mass., office of Sullivan & Worcester LLP.

ROBERT FREDERICK JACKSON joined the law firm of McGuire, Wood & Bissette in Asheville, N.C.

JESSICA W. KELLY joined the Raleigh, N.C., office of Kilpatrick Stockton.

MAGDELINE K. MCALLISTER joined the law firm of Baker & Hostetler LLP in its Columbus, Ohio, office.

E. PRICILLA MORI joined Trenk, DiPasquale, Webster, Della Fera & Sodono in West Orange, N.J.

MICHAEL F. ROESSLER joined Homesley, Goodman & Wingo in Mooresville, N.C., as an associate, concentrating in civil litigation, employment and appellate work.

JEREMY S. SHRADER became an associate with Carruthers & Roth in Greensboro, N.C.

Making Policy Change a Priority

After 17 years on the bench, Ross left the court to take a position as executive director of the Z. Smith Reynolds Foundation, which is dedicated to policy change and social justice within the state of North Carolina.

“I had seen the success of public policy in our sentencing work,” explains Ross. “I had the opportunity to develop strategies and work with nonprofits in ways to try to effect positive change in public policy.”

During his tenure at the foundation, Ross and colleagues worked on a wide variety of issues, ranging from changing the way in which appellate judge elections are funded to strengthening Latino nonprofits. Other highlights of his work with the foundation include land conservation policies developed with Land for Tomorrow, increased funding for land conservation and support for clean air legislation.

Changing Liberal Arts Education to Stay the Same

“When I was presented the opportunity to go to Davidson, what I tried to weigh was how I could use the rest of my working years most effectively. Was it trying to make immediate change in policy or helping to create an environment in which more leaders of tomorrow can be developed who will care about the common good, be willing and engaged in serving the public?” says Ross.

A firm believer in the power of a liberal arts education, Ross chose to return to his alma mater as its leader in 2007, where he coined the phrase “changing to stay the same” to describe his strategy. Davidson has a strong reputation for honor and academics, which Ross intends to maintain while guiding the college through the rapidly changing world.

Despite the challenges of globalization and the current economy, he believes a liberal arts education remains the best preparation for a changing world.

“...With three decades of success behind him, he demonstrates the viability of his belief.
A Scholarship Recipient in the 1960s, Creating Opportunities for Students Today

DAVID M. MOORE II ‘69 has made giving back to Carolina a priority over the years. A brush with mortality merely clarified his intentions. “My health played a major role in my paying more attention to my estate,” he said.

After earning two degrees from Carolina, including his B.A. in 1966 and his J.D. in 1969, Moore practiced law at Smith Moore Leatherwood LLP in Greensboro. He specialized in civil litigation.

As a child, Moore suffered back-to-back bouts of rheumatic fever, which scarred the valves in his heart. He had no further significant symptoms until 2004, when he began to experience recurring arrhythmias and deteriorating heart function.

His doctors recommended retiring from his high-stress career. He received two prosthetic valves in 2006, at age 62. “Thankfully, my life was saved by medical science,” he said. “That led me to focus on what was important.”

Moore grew up on a dairy farm in Caldwell County. He always knew he was going to college. What wasn’t as clear was how he was going to pay for it. That problem was solved when he received a Morehead Scholarship (now called the Morehead-Cain). “It was a miraculous thing,” he said. “Carolina opens up your horizons to the world.”

The law school provided him with legal training, a professional career path and a community of peers. “My experience at Carolina Law created an extended family,” he said. “My law school classmates remain my best friends.”

So, after providing for his family in his estate, he wanted to provide for Carolina. He directed that the law school and the Morehead-Cain Foundation be listed as beneficiaries of his 401(k). Moore knew that retirement plan assets owned at death can be the most highly taxed assets in an estate— as much as 65 percent of the total account value. By structuring his gift in this way, a portion of these funds won’t be subject to taxation upon distribution.

“It seemed to be a wonderful way to pay forward the benefits that had been given to me at the University and at the law school,” Moore said. “I’m glad to be alive,” he said. “I enjoyed my career and my law practice very much, but now I’m privileged to enjoy a new season of life that continues to be enriched by my Carolina experience.”

Carolina Law created an extended family,” he said. “My law school classmates remain my best friends.”

Now Moore, who has served on the board and as president of the UNC Law Alumni Association, knows that future students can receive scholarship money, just like he did.

“I’m glad to be alive,” he said. “I enjoyed my career and my law practice very much, but now I’m privileged to enjoy a new season of life that continues to be enriched by my Carolina experience.”
Eric Muller, Dan K. Moore Distinguished Professor in Jurisprudence and Ethics and associate dean for faculty development, performed with his band the Grillseekers at the local 506 in Chapel Hill in February to help raise funds for the Carolina Public Interest Law Organization (CPILD), which helps fund summer grants for students pursuing low- or non-paying public interest work.

Janice Periquet has joined the UNC School of Law as assistant dean for development. Periquet has more than 13 years of development experience, most recently as associate director of development at the UNC Gillings School of Global Public Health, where she focused on alumni major gifts and helped the school raise $164 million, topping a $100 million Carolina First Campaign goal. Pictured here with her son Ian.

John Derrick 3L spent a summer studying abroad in Augsburg, Germany. While there, he borrowed a bicycle and rode south into the Alps, across Austria and up the Brenner Pass to Italy. “It took three long but beautiful days of very difficult cycling,” says Derrick, “but I made it to the border, set my camera on a tripod, and took a picture.”

Group Admission to the United States Supreme Court Bar, December 8, 2008. Front row, left to right: Mindy R. Kornberg ’85, University of Washington; Donna Jean Turner Eyster ’00, Eyster Law Offices PA; John Charles Boger ’74, UNC School of Law, Dean and Wade Edwards Distinguished Professor of Law; Barbara Brandon (Bonnie) Weyher ’77; Yates McLamb & Weyher LLP. Middle row, left to right: Walter D. Fisher Jr., ’86, K&L Gates; Richard L. Farley ’87, Katten Muchin Rosenman LLP; G. Dudley Humphrey, Jr., ’63, Kilpatrick Stockton; Christopher (Chris) A. Kreiner ’84, Womble Carlyle Sandridge & Rice PLLC; Jeff A. Allred ’80, Nelson Mullins Riley & Scarborough LLP. Back row, left to right: E. Jack Walker ’69, Walker & Lambe PLLC; Dan J. McLamb ’74, Yates McLamb & Weyher LLP.

Janessa C. Harrison, director of the Center for Civil Rights; Cynthia Marshall, president of AT&T North Carolina; Jack Boger ’74, dean of UNC School of Law; and Walter Wells, regional director of external affairs for AT&T North Carolina.

The AT&T Foundation recently donated $50,000 to the Center for Civil Rights. From left to right: Erskine Bowles, president of the UNC General Administration; Venessa C. Harrison, director of external affairs for AT&T North Carolina; Julius C. Chambers, director of the Center for Civil Rights; Cynthia Marshall, president of AT&T North Carolina; Jack Boger ’74, dean of UNC School of Law; and Walter Wells, regional director of external affairs for AT&T North Carolina.
2008-2009 Faculty Speaker Series

The faculty of UNC School of Law invite legal scholars to Chapel Hill each year to share their insights on a variety of engaging topics. Prof. Joseph E. Kennedy chaired the 2008-2009 Faculty Speakers Committee. Distinguished guests have made significant contributions to the shape of state, federal and international law.

**SEPTEMBER 4**
Dorothy Roberts on race and the new biocitizen*
Kirkland and Ellis Professor of Law at Northwestern University School of Law

THE BROUN DISTINGUISHED LECTURE

**SEPTEMBER 12**
Philip Bobbitt on terror and consent
Herbert Wechsler Professor of Jurisprudence and Director of the Center for National Security at Columbia University

CO-SPONSORED BY THE UNC PARR CENTER FOR ETHICS

**SEPTEMBER 19**
Felice Batlan on foreign policy and the internationalization of the securities markets
Assistant Professor of Law at Chicago-Kent College of Law

UNC AND CHICAGO-KENT JUNIOR SCHOLARS EXCHANGE

**OCTOBER 10**
Michael Vandenbergh on climate change governance
Co-director of the regulatory program at Vanderbilt University Law School

**JANUARY 23**
Mark Hall on patient-centered health care law
Fred D. and Elizabeth L. Turnage Professor of Law at Wake Forest Law School

**JANUARY 29**
Devon W. Carbado on post-racial challenges after the presidential election*
Professor of Law at UCLA School of Law

THE BROUN DISTINGUISHED LECTURE

**FEBRUARY 13**
Olufunmilayo “Funmi” Arewa on music copyright
Associate Professor of Law at Northwestern School of Law

**MARCH 5**
Richard McAdams on the expressive power of law
Bernard D. Meltzer Professor of Law at University of Chicago School of Law

JOINT SPEAKER PROGRAM WITH DUKE LAW SCHOOL (HELD AT DUKE)

* When permissible, UNC School of Law includes guest lectures on iTunes U at itunes.unc.edu.
**CASEBOOKS**

**A. Mark Weisburd**

*Comparative Human Rights Law: Expression, Association, Religion*

Paperback: 258 pages  
Publisher: Carolina Academic Press, 2008  
ISBN-10: 1594601992  

*Comparative Human Rights Law: Detention, Prosecution, Capital Punishment (Comparative Law)*

Paperback: 254 pages  
Publisher: Carolina Academic Press, 2008  
ISBN-10: 159460441X  

**Thomas Hazen**


Publisher: West, 2009  
Standard Version: hardcopy, approx. 1200 pages  
ISBN-10: 0314189599  

**TREATISE**

**Thomas Hazen**


Publisher: West, 2009  
Practitioner’s Edition: hardcopy, 7 volumes  
approx. 3700 pages  
ISBN-10: 0314187979  
(available summer 2009)

**Alfred Brophy, with co-editor Daniel Hamilton**

*Transformation in American Legal History: Essays in Honor of Professor Morton J. Horwitz*

Hardcover: 300 pages  
Publisher: Harvard Law School, 2009  
ISBN-10: 0674033469  

Re-examining legal history from America’s colonial era to the late twentieth century through provocative and original essays.

**Patricia Bryan, with co-author Thomas Wolf**

*Midnight Assassin: A Murder in America’s Heartland*

Paperback: 296 pages  
Publisher: University Of Iowa Press, 2007  
ISBN-10: 1587296055  

“Meticulously researched and written … an absorbing look at a 1900 murder in an Iowa farmhouse …[An] engrossing, real-life whodunit.”

—USA TODAY

**Michael Gerhardt**

*The Power of Precedent*

Hardcover: 352 pages  
Publisher: Oxford University Press, USA, 2009  
ISBN-10: 0195150503  

“Gerhardt’s sophisticated and subtle book is the definitive treatment of how precedent really works in constitutional law. It should be the starting point for all future discussions of this important subject.”

—GERALD RATNER, DISTINGUISHED SERVICE PROFESSOR OF LAW, THE UNIVERSITY OF CHICAGO LAW SCHOOL
The Financial Crisis: An Opportunity for New Voices and Fresh Perspectives in the Boardroom?

BY LISSA LAMKIN BROOME
Wachovia Professor of Banking Law
Director, Center for Banking and Finance
Founder, Director Diversity Initiative

Will this be the year in which shareholders demand that corporations look outside their normal search parameters and identify individuals with new voices and fresh perspectives to serve on corporate boards? According to a 2008 survey by Catalyst, Inc., only 15% of board members of Fortune 500 companies were female. A 2006 survey by The Alliance for Board Diversity shows that minorities comprised only 15% of board members in the Fortune 100, while women held 17% of Fortune 100 corporate board seats. Perhaps our current financial crisis will serve as an opportunity to radically rethink corporate governance. With the Dow Jones Industrial Average declining by one-third in 2008, and unemployment at 7.5% at the end of 2008 and still rising, old models may be in need of updating.

The Director Diversity Initiative (DDI) at the law school is one of many efforts nationwide to increase awareness of the lack of corporate board diversity, to help identify and train women and minorities who might be interested in board service, and to assist corporations by providing names of women and minorities who satisfy search criteria of corporate board nominating committees. The DDI will sponsor its fourth annual program, “Broadening Corporate Board Diversity: Earning a Board Seat,” on May 26, 2009, in Chapel Hill. Participating in this program is a good first step for women and minorities who may be interested in board service at some point in their careers. Each year a group of panelists representing sitting board members, corporate governance experts, executive search firm personnel and others involved in board selection works with the program participants, in presentations and small, break-out sessions.

Professors Kim Krawiec, John Conley and I are working hard to add to the existing academic literature on board diversity through an interview study of corporate board members, CEOs, search firm personnel, regulators and proxy advisors to gather their on-the-ground views of how board diversity affects, if at all, board processes and corporate performance. The first publication from the study will appear this spring in the University of Cincinnati Law Review. Professor Conley will present some of our observations during his keynote address this summer at the Business Discourse Conference sponsored by the Association for Business Communication. We are also in the planning stages for an academic symposium bringing corporate governance scholars and diversity scholars to Chapel Hill to discuss board diversity in the spring of 2010.

Funding for the interview study and the DDI has been provided by the Z. Smith Reynolds Foundation and the Fulfilling the Dream Fund. The law firm of Moore & Van Allen has made a gift to the Center for Banking and Finance as part of the Beischer Challenge that will also provide support for the May “Broadening Corporate Board Diversity” program.

As corporations struggle with their own financial survival, adjust to declining consumer demand, hire and fire chief executives, and explore mergers, bankruptcy, or government investment to stay afloat, will new voices be invited to the board table? Our current circumstances demand a change to business as usual. Let me suggest that enriching the discussion in the boardroom by increasing board diversity is one way to shake up the status quo.

learn more

APPLY to the May 26 program “Broadening Corporate Board Diversity: Earning a Board Seat”
http://www.law.unc.edu/centers/banking/programs/boarddiversity.aspx
REGISTER on the Director Diversity Database
https://ddi.law.unc.edu/database
READ DDI success stories
https://ddi.law.unc.edu/successes.
REVIEW data on the board diversity of the 50 largest N.C. companies
https://ddi.law.unc.edu/boarddiversity

Voices
“Anatomy of a Record-Breaking Trademark Victory”

Intellectual property attorney and UNC School of Law alumnus R. Charles Henn Jr. ’98, who was recently named a 2008 Lawyer of the Year by Lawyers USA, discusses his May 2008 victory on behalf of his client Adidas. The German sports apparel manufacturer alleged that Payless Shoesource was selling shoes that imitated Adidas’ trademark three-stripe shoes. A jury eventually awarded Adidas $304.7 million – the largest trademark verdict ever.

“How Campaign Finance Is Changing the 2008 Election”

Ellen Weintraub, a commissioner with the Federal Election Commission, discusses “Money and Politics: How Campaign Finance Is Changing the 2008 Election” shortly before the 2008 presidential election. She was a guest of the UNC Center on Law and Government.

“Race and the New Biocitizen”

Dorothy Roberts, Kirkland and Ellis Professor at Northwestern University Law School, delivered the 2008 Broun Distinguished Lecture. She discusses the use of race in biomedical research and biotechnology.

“Global Project Finance: From Power to Ports”

The Center for Banking and Finance sponsored this discussion with John D. Hawkins ’80, partner, corporate department, Paul Hastings, New York, and chair of the Paul Hastings Global Projects Group. Hawkins’ practice is focused in the areas of project and structured finance, mergers and acquisitions, and general corporate law.

“The Importance and Value of Pro Bono Work”

As part Pro Bono Week, Judge Charles Becton ’79, president of the North Carolina Bar Association, speaks to students, faculty and staff about the importance and value of pro bono work in the practice of law.

“Public Interest Law”

Gene Nichol, professor and director of the UNC Center on Poverty, Work and Opportunity, provides the keynote address at the school’s recent public interest retreat.
SAVE THE DATES!

Law Alumni Weekend
October 9 – 10, 2009

Summer Associates Receptions

MAY 14 Bluewater Grill
WRIGHTSVILLE BEACH, N.C.

MAY 27 Carruthers & Roth, P.A.
GREENSBORO, N.C.

JUNE 2 Jenkins, Wilson, Taylor & Hunt, P.A.
DURHAM, N.C.

JUNE 3 McGuireWoods LLP
RALEIGH, N.C.

JUNE 9 Nelson Mullins
ATLANTA, GA

JUNE 11 Robinson Bradshaw & Hinson, P.A.
CHARLOTTE, N.C.

JUNE 16 Sutherland
WASHINGTON, D.C.

www.law.unc.edu/alumni/weekend