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In Remembrance: Donald F. Clifford, Jr.

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IN REMEMBRANCE:**DONALD F. CLIFFORD, JR.**

This past year, our friend and colleague, Don Clifford, lost his courageous fight with cancer. Don joined the faculty at the University of North Carolina School of Law (UNC) in 1964 and enjoyed a distinguished forty year career, retiring from full-time teaching in 2004 as the Aubrey L. Brooks Professor of Law. He taught many subjects over the course of his teaching career, but was particularly known for his interests in consumer law, business associations, and the Uniform Commercial Code (UCC) subjects of sales and secured transactions. He visited at a number of other law schools in the United States and abroad, including the University of Bristol, England; the UNC Sydney Summer Law Program, Australia; the Universite Jean Moulin LYON 3, France; and the Universitat Augsburg, Germany.

Don was a long-time member of the Board of Advisors for the Center for Banking and Finance. He was the “conscience” of our board, always reminding us to address the consumer perspective, include representatives of consumer advocacy groups on our board, and invite them to speak at the annual Banking Institute. He helped to attract Margot Saunders of the National Consumer Law Center and Mike Calhoun of the Center for Responsible Lending to the Board of Advisors.

Don’s long career was marked with an incredible abundance of service to the law school, the University, and the legal profession in North Carolina, the country, and indeed the world. Don will always be associated with the Festival of Legal Learning, a unique continuing legal education program that he established and began directing in 1991. The program provides an engaging and wide-ranging array of offerings from UNC law faculty, other University colleagues, and friends and lawyers from throughout the state. When Don wondered aloud whether the Center for Banking and Finance could be providing more programming directed to consumer issues, he helped us add to the

Festival, beginning in 2002, a Consumer Law and Consumer Credit Symposium, and co-directed this symposium within the Festival. The eighth such symposium was held at the 2009 Festival of Legal Learning. It is a fitting tribute that the School of Law and friends of Don have established the Donald F. Clifford, Jr. Distinguished Lecture on Consumer Law. The first such lecture was held on February 6, 2009, and delivered at the 2009 Festival by Martin D. Eakes, the founder and chief executive officer of the Center for Community Self-Help.

Don also provided important leadership for statewide committees such as the North Carolina General Statutes Commission and many North Carolina Bar Association Committees, particularly the UCC Committee. Nationally, Don was quite active with the American Bar Association's (ABA's) Business Law Section and its UCC Committee. He was particularly attentive to consumer law protections during the revision of Article 2. Most recently, he chaired the Working Group on Consumer Protection in the Electronic Commerce Subcommittee of the ABA Business Law Section. This work led to Don's involvement as consultant to the American delegation working on consumer protection proposals in the Organization of American States project, involving Brazil, Canada, and the United States.

Don's scholarship was often an outgrowth of his law reform efforts. His work on revisions to Article 2 of the UCC was embodied in an article on express warranty liability for remote sellers published in the *Washington University Law Quarterly*,¹ and an ABA Task Force Report on home banking agreements that he co-authored was made available to a wide audience when it was published in the *Business Lawyer*.² His practical scholarship guided practicing attorneys and judges including a co-authored volume on annotated UCC forms³ and a law review article in the

1. Donald F. Clifford, *Express Warranty Liability of Remote Sellers: One Purchase, Two Relationships*, 75 WASH. U. L.Q. 413 (1997).

2. Mark E. Budnitz, Donald F. Clifford, Michael Ferry & Margot Saunders, *Home Banking Agreements: Don't Bank on Them*, 61 BUS. LAW. 641 (2006).

3. RICHARD M. SMITH & DONALD F. CLIFFORD, NORTH CAROLINA PRACTICE: UNIFORM COMMERCIAL CODE FORMS ANNOTATED (1968 & Supp.).

North Carolina Law Review discussing non-UCC statutes affecting warranty disclaimers and remedies in the sale of goods.⁴

Don was an active parishioner at the Saint Thomas More Church, where he sang in the church choir. His lovely tenor voice also graced the Chapel Hill Community Chorus. Don is survived by what he would no doubt say are his greatest treasures and accomplishments, his wife of forty-seven years, Louise Clifford, their five daughters, and seven grandchildren.

We miss Don's dry wit, sound judgment, moral compass, and extensive legal knowledge very much. May he rest in peace.

LISSA L. BROOME

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Director, Center for Banking and Finance*

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4. Donald F. Clifford, Jr., *Non-UCC Statutory Provisions Affecting Warranty Disclaimers and Remedies in Sales of Goods*, 71 N.C. L. REV. 1011 (1993).