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## DONALD F. CLIFFORD, JR.: IN MEMORIAM

LISSA LAMKIN BROOME AND JOHN CHARLES BOGER\*

This past October, our friend and colleague Don Clifford lost his courageous fight with cancer. Professor Clifford joined the faculty at the University of North Carolina School of Law 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 career, but he was particularly known for his interests in consumer law, business associations, and the Uniform Commercial Code subjects of sales and secured transactions.<sup>1</sup> He organized a seminar on disaster relief in the days following Hurricane Katrina while he was teaching part time at UNC on phased retirement. Professor Clifford also taught as a visiting professor at a number of U.S. law schools, including Duke University, North Carolina Central University, University of Texas, Louisiana State University, University of Richmond, and finally at Catholic University of America in the fall of 2007. He also shared his talents globally, teaching and researching at the University of Bristol, England; the UNC Sydney Summer Law Program, Australia; Université Jean Moulin Lyon 3, France; and Universität Augsburg, Germany.

Don Clifford was born and raised in Denver, Colorado. He received his bachelor's degree, *magna cum laude*, from Catholic University of America in 1957 and then worked for several years with the National Student Association, where he led the Foreign Student Leadership Project. He returned to Colorado for law school and received his J.D. from the University of Colorado at Boulder in 1963. Clifford served as an editor of the law review and was named to the Order of the Coif. Following a one-year judicial clerkship with Chief Judge Alfred Arraj of the United States District Court for the District of Colorado, Clifford joined the faculty of the UNC School of Law.

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\* Lissa Broome is the Wachovia Professor of Banking Law and Director of the Center for Banking and Finance at the University of North Carolina School of Law. Jack Boger is the Dean and Wade Edwards Distinguished Professor of Law at the University of North Carolina School of Law.

1. Over the years, Professor Clifford displayed varied interests, also teaching insurance, trusts, corporate finance, contracts, and moot court.

Professor Clifford's long career was marked with an incredible amount of distinguished service to the law school, the university, and the legal profession in North Carolina, the country, and, indeed, the world. He 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. The 2009 Festival attracted over 750 participants, a record number. Martin D. Eakes, the Chief Executive Officer of the Center for Community Self-Help and the Self-Help Credit Union, delivered the Inaugural Donald F. Clifford Distinguished Lecture on Consumer Law, "The Legal Destruction of Homes and the American Economy," during a dinner at the 2009 Festival held in Professor Clifford's honor.<sup>2</sup> Beginning in 2002, after he wondered aloud whether the Center for Banking and Finance should be providing more programming directed to consumer issues for the Festival, Professor Clifford helped the Center develop and co-directed a Consumer Law and Consumer Credit Symposium. The eighth such symposium was held at the 2009 Festival.

Professor Clifford also provided important leadership for statewide committees such as the North Carolina General Statutes Commission and the North Carolina Bar Association, where he served as an officer of the Business Law Section and editor of the section's newsletter. He was also active with various bar association committees, particularly the Uniform Commercial Code Committee. Nationally, Clifford was quite active with the American Bar Association's ("ABA") Business Law Section and its Uniform Commercial Code Committee, and was particularly attentive to consumer law protections during the revision of Article 2 of the Uniform Commercial Code ("UCC"). 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 Professor Clifford's involvement as a consultant to the American delegation working on consumer protection proposals in the Organization of American States project, involving Brazil, Canada, and the United States.

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2. Those wishing to contribute to the endowment providing support for future lectures honoring Professor Clifford should contact The Office of Advancement, UNC School of Law, CB # 3382, Chapel Hill, NC 27599.

Clifford's scholarship was often an outgrowth of his law reform efforts. His work on revisions to Article 2 of the UCC is embodied in an article on express warranty liability for remote sellers, published in the *Washington University Law Quarterly*.<sup>3</sup> 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*.<sup>4</sup> His practical scholarship guided practicing attorneys and judges and included a co-authored volume on annotated UCC forms<sup>5</sup> and a law review article in the *North Carolina Law Review* discussing non-UCC statutes affecting warranty disclaimers and remedies in the sale of goods.<sup>6</sup>

At the law school, Professor Clifford served as Associate Dean for Academic Affairs on two separate occasions, from 1979–1982 and then again from 1989–1990. During his tenure, he chaired virtually every law school committee, providing good judgment and wisdom in every position. In 1991, Professor Clifford was honored both by the UNC Law Alumni Association with its Distinguished Service Award and by the University of Colorado with an award for Distinguished Achievement in Education. In 2004, he was named a member of the Order of the Long Leaf Pine.

Professor Clifford 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, with which he sang both in local concerts and on tour, most recently in Brazil. Professor Clifford is survived by his loving family—his wife of forty-seven years, Louise Clifford; their five daughters; and seven grandchildren.

We will miss Don's dry wit, his unfailing generosity and kindness, his self-deprecating good humor, his sound judgment, his moral compass, and his extensive legal knowledge. May he rest in peace.

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

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

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

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

