



# NC LEAF

## BOARD OFFICERS

President: S. Luke Largess  
 Vice President: Roger Cook  
 Secretary: Stella Boswell  
 Treasurer: Lisa Grafstein

## BOARD OF DIRECTORS:

Tom Anderson	I. Beverly Lake, Jr.
J. Chad Bomar	Maria Mangano
Victor Boone	E. Spencer Parris
Nicole Vandiver Bryan	Denise Spriggs
Felice M. Corpening	Willis P. Whichard
Susan Doyle	James E. Williams, Jr.
Kim Fields	Alan Woodlief
Henry E. Frye	Laura Wrobel
Pamela S. Glean	

## STUDENT REPRESENTATIVES

Corey Haller  
 Whitney Hendrix  
 Amy Holthouser  
 Muriel Moody  
 Catherine Sims  
 Yoshika Watford  
 Tyler Wichmann

## STAFF

Executive Director: Esther Hall  
 ehall@ncleaf.org

Program Director: Arlene Summers  
 asummers@ncleaf.org

Program Support: Patsy Fyfe  
 pfyfe@ncleaf.org

## NC LEAF HAS MOVED

3948 Browning Place, Suite 334  
 Raleigh, NC 27609-6512

New E-mail: [Info@ncleaf.org](mailto:Info@ncleaf.org)  
 New Website: [www.ncleaf.org](http://www.ncleaf.org)

Phone and fax remain the same:  
 919-845-6089 (telephone)  
 919-848-9259 (fax)

# NEWSLEAF

A PUBLICATION OF THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION

## NC LEAF Participant Kelley DeAngelus Helps Bring Justice to Floyd Brown

**I**N 2003, Fair Trial Initiative attorney and NC LEAF fellow Kelley DeAngelus joined the defense team of Mike Klinkosum and Mark Rabil, members of the North Carolina Office of the Capital Defender. At the time, Floyd Brown had been held at Dorothea Dix Hospital for a decade while awaiting determination that he was competent to stand trial.

Through exhaustive investigation, the team discovered lost evidence and the fabricated confessions of law enforcement officers who subsequently served time for corruption.

Because of Floyd's well-documented mental retardation, the case ultimately proceeded non-capitally, and he lost one of his two appointed attorneys. Although her fellowship ended, Kelley transitioned to representing him. In the end, Kelley and Mike found nothing to connect Floyd to the murder he was charged with committing. Convinced of their client's innocence, Mike and Kelley worked tirelessly to obtain freedom for him. Because of the severity of his mental retardation, Floyd had been properly found incompetent to stand trial and was unlikely to have his competency restored. He was caught in a vicious cycle of injustice: innocent of the crime he was charged with, but unable to get into court to prove it. Meanwhile he languished at Dix.

Ultimately, the story of this injustice came to the attention of the national media who began to cover the case and the tireless efforts of his attorneys. In an act of creativity, zeal, and daring, Mike and Kelley filed a petition for habeas corpus in Durham County last year and a judge ordered Floyd's release.

Kelley and Mike freed an innocent man from what would have been a never-ending legal limbo. Their work casts light on the injustices that occur when flaws in the system are not addressed.

### *About Kelley DeAngelus, Staff Attorney*

CENTER FOR DEATH PENALTY LITIGATION, DURHAM

Kelley DeAngelus is currently a Staff Attorney at the Center for Death Penalty Litigation (CDPL) in Durham where she represents death-sentenced inmates in post-conviction litigation. Prior to her work at CDPL, Kelley completed a fellowship from 2003-05 at the Fair Trial Initiative (FTI), also in Durham. After joining CDPL, she remained on the Floyd Brown case as second chair counsel. Kelley was introduced to capital defense work in 2002 as an intern with the New York State Capital Defender Office in Rochester, a trial level office dedicated solely to representing capital defendants. Kelley received her Bachelor of Arts in 2000 from the University of Dayton in Dayton, Ohio. In 2003, she graduated *cum laude* with a Juris Doctor from the State University of New York at Buffalo Law School, where she was Co-Editor-in-Chief of the Buffalo Human Rights Law Review.



# insideLEAF

## INTRODUCING THE NEW NC LEAF “FELLOWS”

(The attorneys featured here have been named since the publication of our last newsletter.)



**Dietrich McMillan**  
*Kilpatrick Stockton Fellow*

Hope and empowerment. These are two powerful words that provide a person the possibility of having life, liberty, and the pursuit of happiness. When people lose hope and the ability to empower themselves at the abuse of another, then the abused person cannot

enjoy their basic rights. Assisting victims of domestic violence—and helping them become self-empowered survivors with the hope that they too can live a happy life and enjoy basic rights—is one of the many reasons I wanted to work as a public interest attorney. Working with Legal Aid of North Carolina, Inc. allows me to facilitate persons who are in search of gaining or regaining their sense of hope and empowerment. I have worked over 10 years for and with Legal Aid of North Carolina as not only an attorney, but also sometimes more importantly as an advocate and counselor. I have always believed that nothing is more worthwhile than knowing you have helped people to understand they have the right to live and be free.



**Henry Jay**  
*Kirby & Holt Fellow*

I became a public interest attorney to give back. I grew up in a poor, small, rural town where most people just don't have much at all. The things that they value most are their friendships and families. All too often, I watched those good, hard-

working people struggle while people took advantage of them. Whether it is cars, mobile homes, or home improvement loans, I've seen them used to trick poor people out of their hard-earned money or home equity. I wanted to work in consumer law to help prevent poor people from getting preyed upon by unscrupulous lenders and scam artists. Each day at Legal Aid of North Carolina, I get to do that. It makes my family back home very proud and makes me feel good to be making a difference in the lives of people to whom I certainly relate.



**Mike Silver**  
*Alston & Bird Fellow*

I was born and raised in Durham, North Carolina. I received my undergraduate degree in elementary education from North Carolina Agricultural and Technical State University and my law degree from North Carolina Central University. Entering law school, I wanted

to work in the public sector. I felt it would provide me the best chance to work around people on a daily basis and also be the best place to truly help people.

At my job at the Forsyth District Attorney's Office, I primarily work in District Court. I rotate between traffic, criminal, juvenile, and domestic violence court.

At the District Attorney's Office, I know I make a difference in my community by: being able to relate to minorities who enter the court room; giving encouraging words and providing a comforting face to defendants, victims, and witnesses; and working to provide justice to the citizens of Forsyth County.

I am happy working in the public sector because I am doing exactly what I wanted to do after law school. I get to interact with the community on a daily basis, and I feel as if I am helping the community become a better place for us all.



### WHO WILL BE YOUR FELLOW?

NC LEAF has a long waiting list of eligible public interest attorneys needing assistance with law school loans. Won't you help us help more of them? Please consider a named sponsorship and contact us soon!

## NC LEAF: AN INVESTMENT IN THE FUTURE

By Charlotte-Anne T. Alexander, Managing Attorney, Greenville Office of Legal Aid of North Carolina

My involvement in public interest law began in law school and has continued since I have been licensed. When I started at Legal Aid (formerly “Pamlico Sound Legal Services”), I was engaged in Community Economic Development (CED) work and handled legal issues for small, rural community-based organizations and Community Development Corporations. It was an extraordinary and humbling experience to use my legal skills to help individuals on a grassroots level who wanted their communities to offer many of the amenities that most of us take for granted—adequate housing, indoor plumbing, health care/nutrition for seniors, and educational programs for kids. Since my initial start in CED, I have handled hundreds of legal aid-type cases, primarily in the areas of domestic violence/family, housing, education, public benefits, and elder law. I have provided at least several hundred hours of legal education to the layperson community, have taught at continuing legal education events, and have served on countless committees or boards designed to improve access to services or administration of justice.



*Charlotte-Anne T. Alexander, Managing Attorney, Greenville Office of Legal Aid of NC, Inc. 1994 Graduate of Capital Law School in Columbus, Ohio; licensed in Ohio November 1994 and in North Carolina, September 1996.*

I've been with the Greenville office of Legal Aid of North Carolina, Inc. since January 1996 and currently serve as the Managing Attorney of the Greenville office of Legal Aid of North Carolina, Inc. The Greenville office handles cases in Pitt, Martin, Washington, Hyde, and Tyrrell Counties.

NC LEAF's financial assistance helped me remain in work that I find intellectually interesting, as well as useful to the community. I am grateful for the assistance I received from NC LEAF and pleased to be able to continue my work in public interest law.

Like me, many past NC LEAF recipients will remain in some aspect of public interest law. However, for those who leave public interest practice for jobs in the private sector, the time working in public interest law often leaves a positive and indelible imprint on an attorney's attitude toward providing *pro bono* and reduced cost legal services. NC LEAF's role in encouraging and supporting public service is critical to increasing the number of attorneys willing to represent impoverished North Carolinians. An investment in NC LEAF is no less than an investment in the future of our profession.

---

## ADVISORY BOARD FORMED

The inaugural meeting of the newly formed Advisory Board was hosted by Richard Haygood at Kilpatrick Stockton in September 2007. The purpose of the group is to:

- ~help NC LEAF reach more deserving attorneys
- ~share support of the program with members of the Legislature
- ~contact other firms on our behalf for sponsorships
- ~offer advice and suggestions

With this esteemed collection of attorneys it will be an easy matter to accomplish any task assigned. Many ideas for this newsletter came from the initial meeting. Given the cost of tuition and the burden of debt, it is clear that NC LEAF fills a vital role in encouraging the pursuit of careers in public interest law. The loan forgiveness program is also key to helping attorneys stay in the field as retention is an ongoing problem.

## ADVISORY BOARD MEMBERS

CATHERINE BIGGS, ARROWOOD, PARKER, POE, ADAMS, & BEINSTEIN  
STEVEN EPSTEIN, HUNTON & WILLIAMS  
JAMES EXUM, JR., SMITH MOORE  
DAN HARTZOG, CRANFILL, SUMNER & HARTZOG  
RICHARD HAYGOOD, KILPATRICK STOCKTON  
SUSAN HARGROVE, SMITH ANDERSON  
TOMMY JARRETT, DEES, SMITH, POWELL, JARRETT, DEES & JONES  
KAROL MASON, ALSTON & BIRD  
REID RUSSELL, HENDRICK, GARDNER, KINCHELOE, & GAROFALO  
JAMES TALLEY, HORACK TALLEY  
REICH WELBORN, MOORE & VAN ALLEN

## WITH APPRECIATION TO OUR CURRENT 2007–2008 DONORS

### NAMED SPONSORSHIPS (\$2,500 Level)

Alston & Bird  
Fellow—Mike Silver, District Attorney's Office, Winston-Salem

Brooks, Pierce, McLendon, Humphrey & Leonard  
Fellow—Elizabeth Holgate, Public Defender's Office, Greensboro

Hunton & Williams  
Fellow—Faith Fickling, Legal Aid of North Carolina, Pittsboro

Kilpatrick Stockton  
Fellow—Dietrich McMillan, Legal Aid of North Carolina, Durham

Nelson Mullins Riley & Scarborough  
Fellow—Ashleigh Seiber, Public Defender's Office, Raleigh

North Carolina Academy of Trial Lawyers  
Fellow—Natalia Adams, Public Defender's Office, Carrboro

Patterson, Dilthey, Clay, Bryson & Anderson  
Fellow—Jennifer Stuart, Legal Aid of North Carolina, Raleigh

Van Winkle, Buck, Wall, Starnes & Davis  
Fellow—Robin Merrell, Pisgah Legal Services, Asheville

Mary Norris Preyer Fund  
Fellow—Cyrus Brown, District Attorney's Office, Greensboro

### NAMED SPONSORSHIPS (\$1,500 Level)

Horack Talley  
Fellow—Stephanie Ceccato, Legal Services of the Southern Piedmont, Charlotte

### NAMED SPONSORSHIPS (\$750 Level)

Comerford & Britt  
Fellow—Lisa Brace, Legal Aid Society of NW  
North Carolina, Winston-Salem

Ferguson, Stein, Chambers, Gresham & Sumter  
Fellow—Tracy Hewett, Public Defender's Office, Charlotte

Kirby & Holt  
Fellow—Henry Jay, Legal Aid of North Carolina, Charlotte

Kuniholm Law Firm  
Fellow—Shazia Anwar, Legal Aid of North Carolina, Charlotte

Law Offices of Janet Ward Black  
Fellow—William Corbett, Legal Aid of Northwest  
North Carolina, Winston-Salem

Maxwell, Freeman & Bowman  
Fellow—Keith Howard, Advocates for  
Children's Services, Durham

McMillan, Smith & Plyler  
Fellow—Matthew Wunsche, Office of the Appellate Defender, Raleigh

North Carolina Association of Public Defenders  
Fellow—Michael Weiss, Public Defender's Office, Raleigh

Patterson Harkavy  
Fellow—Denise Lockett, Legal Aid of North Carolina, Boone

Pulley, Watson, King & Lischer  
Fellow (in honor of Adam Lischer)—Starr Ward, Public  
Defender's Office, Durham

## WITH APPRECIATION TO OUR CURRENT 2007-2008 DONORS

### SPONSORS (\$250-\$499)

Tom Anderson  
Theodore O. Fillette  
I. Beverly Lake  
Josh and Anna Stein

### CONTRIBUTORS (\$100-\$249)

Victor Boone  
Alan Duncan  
Judge Daniel F. Finch in honor of Denise Long  
Ann Setien Gibbs  
Lisa Grafstein  
Michael S. Hamden  
Bertha Merrill Holt  
Robert C. Kemp  
Robert C. Vaughn  
Alan Woodlief, Jr.  
Yoshika Watford

### DONORS (\$50-\$99)

Lisa Brachman  
John Keller  
Maria J. Mangano  
Page Potter  
Alician V. Quinlan  
Robert W. Spearman

### FRIENDS

James K. Dorsett, III  
Chris Heagarty  
Denise Spriggs

### CONTRIBUTING LAW SCHOOLS

Campbell University Norman Adrian Wiggins School of Law  
North Carolina Central University School of Law  
University of North Carolina School of Law  
Wake Forest University School of Law

NC LEAF is also supported by the State of North Carolina and a grant from IOLTA. Financial information about this organization and a copy of its license are available from the State Solicitation Licensing Section at 1-888-830-4989. The license is not an endorsement by the state.

# FEDERAL STUDENT LOAN FORGIVENESS

## THE COLLEGE COST REDUCTION AND ACCESS ACT OF 2007

The College Cost Reduction and Access Act of 2007 helps public service lawyers in two main ways:

1. Lowers monthly student loan payments on federally guaranteed student loans (Income Based Repayment or IBR)
2. Cancels remaining debt after 10 years of income-based repayment (public service forgiveness)

### Income Based Repayment (IBR)

Congress created a new repayment program—income based repayment (IBR), which significantly reduces monthly payments for high debt/low income borrowers with “partial financial hardship.”

### What will my monthly payment be under IBR?

Annual educational debt payments under IBR are capped at 15% of discretionary income (defined as adjusted gross income minus 150% of the poverty level for the borrower’s family size).

**Example:** Jane Justice owes \$100,000 in qualifying debt at 6.8% interest and takes a job paying \$40,000 to start.

She elects the income-based repayment (IBR) plan. In her first year, Jane’s monthly payments under IBR are \$309 (as opposed to \$1,151 under standard ten-year repayment).

As Jane gets annual salary increases of 5%, her monthly payments under IBR gradually rise, until in year 10 her monthly payments are \$526.

### Public Service Forgiveness

Congress created accelerated loan forgiveness for public service employees—if a borrower elects IBR and makes 10 years of payments while engaged in full-time public service, the unpaid balance is forgiven by the federal government.

**Example:** Jane Justice started out owing \$100,000 in qualifying debt at 6.8% interest and took a full-time public service job paying \$40,000 to start with annual increases of 5%. Jane stayed in public service and paid \$49,132 over 10 years under the IBR plan. The federal government cancels \$118,868, the principal and interest remaining.

Which student loans are eligible for IBR and public service forgiveness?

All federal direct loans and federally guaranteed loans are eligible including: Federal Perkins Loans, subsidized and unsubsidized Federal Stafford Loans, Federal Grad PLUS loans, and Federal Direct Consolidation Loans.

Which student loans are not eligible?

Loans made by a state or private lender and not guaranteed by the federal government are never eligible. Also, Parent PLUS loans, as opposed to Grad PLUS loans, are not eligible.

When can I elect IBR and begin counting my time in public service towards forgiveness?

IBR goes into effect July 1, 2009. Therefore, members of the Class of 2009 will be able to elect IBR and start working toward forgiveness within two months of graduation. People who graduated or will graduate before IBR takes effect will have to wait to elect IBR, but may begin counting time in public service sooner.

Borrowers who have federal direct loans (including federal direct consolidation loans) may elect “income-contingent” repayment (ICR) immediately and switch to IBR on July 1, 2009. Monthly payments under ICR are higher than under IBR but still much lower than under standard repayment. Borrowers who have federally guaranteed loans may consolidate into the federal direct program and elect ICR while waiting to switch into IBR in 2009. In any event, borrowers who have federal direct loans or who have consolidated into federal direct consolidation loans may begin counting time in public service beginning October 1, 2007.

Some restrictions apply to borrowers who need to consolidate to use this program but have already consolidated their loans. Such borrowers should be sure to consult the following law review article by Professor Philip Schrag:

<http://www.law.georgetown.edu/news/documents/Forgiveness.pdf>.

### Additional Resources:

- Student loan information: [www.finaid.org](http://www.finaid.org)
- IBR monthly repayment calculator: [www.finaid.org/calculators/ibr.phtml](http://www.finaid.org/calculators/ibr.phtml)
- ICR monthly repayment calculator: [www.finaid.org/calculators/icr.phtml](http://www.finaid.org/calculators/icr.phtml)
- Federal direct consolidation loan information and applications: <http://loanconsolidation.ed.gov/>

For more information, contact Equal Justice Works at [EqualJusticeWorks.com](http://EqualJusticeWorks.com),  
[Debtrelief@equaljusticeworks.org](mailto:Debtrelief@equaljusticeworks.org), or 202.466.3686.

2120 L Street, NW, Ste. 450, Washington, DC, 20037-1541



North Carolina Legal Education  
 Assistance Foundation  
 3948 Browning Pl., Ste. 334,  
 Raleigh, NC 27609-6512  
 info@ncleaf.org • www.ncleaf.org

Non-Profit Org.  
 U.S. Postage  
 PAID  
 Raleigh, NC  
 Permit No. 36

NC LEAF is a collaborative effort of  
 law schools and bar organizations in  
 North Carolina including:

- CAMPBELL UNIVERSITY
- NORMAN ADRIAN WIGGINS SCHOOL OF LAW
- CHARLOTTE SCHOOL OF LAW
- DUKE UNIVERSITY SCHOOL OF LAW
- ELON UNIVERSITY SCHOOL OF LAW
- LEGAL AID OF NORTH CAROLINA
- N.C. ACADEMY OF TRIAL LAWYERS
- N.C. ASSOCIATION OF BLACK LAWYERS
- N.C. ASSOCIATION OF DEFENSE ATTORNEYS
- N.C. ASSOCIATION OF PUBLIC DEFENDERS
- N.C. ASSOCIATION OF WOMEN ATTORNEYS
- N.C. BAR ASSOCIATION
- N.C. CENTRAL UNIVERSITY SCHOOL OF LAW
- N.C. CONFERENCE OF DISTRICT ATTORNEYS
- N.C. GAY AND LESBIAN ATTORNEYS
- N.C. STATE BAR
- UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW
- WAKE FOREST UNIVERSITY SCHOOL OF LAW

## DID YOU KNOW?

Since 1991, NC LEAF has provided \$2,677,463.15 to 370 public interest attorneys working throughout North Carolina.

There are 564 Assistant District Attorneys and 199 Assistant Public Defenders statewide.

A new agreement in 2007 allows NC LEAF to partner with Legal Aid of North Carolina to provide some \$250,000 in LANC funds to its lawyers for debt assistance. Through the LANC partnership, Legal Aid lawyers can receive up to \$400 per month in debt assistance. If these lawyers qualify for additional assistance under NC LEAF guidelines, they may receive NC LEAF funds above the amounts funded through LANC. The additional funding added 25 LANC attorneys to NC LEAF programs.

The average amount of law school debt for NC LEAF participants is \$80,000 and ranges up to \$150,000.

### Tuition costs for 2007-2008:

- Campbell: \$26,400
- Duke: \$39,960
- UNC: \$13,004 for North Carolina residents and \$25,422 for non-residents.
- WFU: \$31,500
- NCCU: \$5,709 for North Carolina residents and \$17,569 for non-residents
- Elon: \$27,500
- Charlotte: \$27,000

### Borrowers in the Class of 2006:

School	Average debt	% students with debt
Wake	\$81,072	99%
Duke	\$95,890	95%
Campbell	\$84,173	90%
UNC	\$59,329	81%
NCCU	\$19,061	88%

### Program Participants Successfully Pay Off Law School Debt!

In 2006: Brian Beasley, Richard Craig, and Mae Creadick  
 In 2008: Pamela Thombs

*Congratulations on this important accomplishment!*