

## **KATE MEWHINNEY**

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### **PROFESSIONAL CERTIFICATION AND HONORS**

**Certified Elder Law Attorney**, National Elder Law Foundation (1995 - Present).

**Certified Specialist, N.C. State Bar Board of Legal Specialization** (and first Chair of Elder Law Committee) 2009 to present.

**Certified Superior Court Mediator**, N.C. Dispute Resolution Commission, April 2002. Additional certification for estate and guardianship cases.

**Fellow** of the National Academy of Elder Law Attorneys, May 1997.

**2002 NAELA Theresa Award**, from the Theresa Foundation in New York.

**Accredited Attorney by Veterans Administration**, Feb. 2012.

### **EDUCATION**

**Northeastern University School of Law**. Juris Doctor, 1978. Boston, MA.

**Tufts University**. B.A., *Cum Laude*, in history, 1973. Medford, MA.

**American College in Paris**. 1969 to 1970. Paris, France.

### **PROFESSIONAL AFFILIATIONS**

National Academy of Elder Law Attorneys (NAELA), Board of Directors, 1995-1999.

NAELA Journal, Board of Editors, 2003 to 2006.

National Elder Law Foundation, Board of Directors - 1999 to 2003.

NCBA Dispute Resolution Section; member, Section Council (2006 – 2009).

NCBA GP, Small Firm and Solo Section; Member, Section Council (2004-2007).

North Carolina Bar Association (NCBA), Elder Law Section, Chair (2003-4).

Association of American Law Schools, Section on Aging and Law, Chair (2006).

American Bar Association. Co-chair, Elder Rights Committee of Section on Individual Rights and Responsibilities, 1999-2002.

North Carolina Association of Women Attorneys.

## **LEGAL EXPERIENCE**

### **Wake Forest University School of Law.**

- 1997 - Present: Clinical Professor
- 1991 - 1997. Associate and Assistant Clinical Professor.
- 1989 - 1991. Adjunct Professor teaching trial practice.
- 1982 - 1989. Adjunct Professor in external clinical program (Litigation Clinic).

**Sole Practitioner.** Winston-Salem, 1990-1991.

**Moore and Brown.** Winston-Salem, 1989-1990.

**Legal Aid Society of Northwest North Carolina.** 1978-1989.

## **PUBLIC SERVICE ACTIVITIES**

- Grant recipient, NC Society of Health Care Attorneys, “Health Care Rights of LGBT People.” 2015-2016.
- Member of ABA Site Evaluation Teams for accreditation visits (2009, 2011, 2013)
- Adam Foundation – Board member of local non-profit that provides grants for LGBT issues; active on committee focusing on concerns of older LGBT people. (2012-present)
- Volunteer attorney, NC Bar Association 4All Campaign; 2013 - 2016. (free call-in day)
- N.C. State Bar Board of Legal Specialization, Chair of Elder Law Committee (2008 – 2012).
- Wake Forest University (WFU) Baptist Medical Center, Ethics Committee member and Clinical Consultation Subcommittee member (1997 to present).
- WFU School of Medicine Institutional Review Board (IRB), member 2002 - 2004.
- Legal Aid Society of Northwest North Carolina, Inc.; Board of Directors (1999-2002).

## **PRESENTATIONS AT CONTINUING LEGAL EDUCATION (CLE) PROGRAMS**

- “How Can N.C.'s Mediation Programs Address the Needs of an Aging Population?” - Webinar sponsored by the N.C. Dispute Resolution Commission, Oct. 19, 2017.
- “Cognitive Impairments: Ready or Not, Here They Come,” Queens University Estate Planning Day; Charlotte; May 19, 2016. (with Charles Edwards, M.D.)
- “What is Elder Law?” 2013 Basics of Elder Law. N.C. Bar Association Elder Law Section. Cary, NC; Oct. 25, 2013 (manuscript and slides).
- “Long Term Care Insurance.” 2012 Basics of Elder Law. N.C. Bar Association Elder Law Section. Cary, NC; Oct. 26, 2012.

- "Employment, Age, and Disability Discrimination." National Aging and Law Institute, Sponsors include the National Academy of Elder Law Attorneys, the ABA, the National Senior Citizens Law Center, and the AARP Litigation Foundation. Boston, Nov. 8, 2011.
- "Representing Seniors and Their Families: Pitfalls and Pointers," ABA webinar, Oct. 2011.
- "Medical-Legal Partnerships Serving the Elderly," National Aging and Law Conference (sponsors include ABA, AARP, NAELA), Alexandria, Virginia, December 11, 2010.
- "Housing, Employment, Age and Disability Discrimination," Advanced Elder Law Review Course, National Academy of Elder Law Attorneys, May 11, 2010, Orlando, FL.
- "Doing the Right Thing: Perspectives on Ethics and Professionalism from the Multidisciplinary Team" (plenary panel); Conference on Interdisciplinary Collaborative Education Partnerships Between Law Schools and the Health Professions, Sept. 24-25, 2009, Georgia State Univ.
- "Guardianship and Probate Mediation Before the Clerk of Court," 30th Annual Estate Planning and Fiduciary Law Program, N.C. Bar Association Estate Planning and Fiduciary Law Section, July 2009, Kiawah Island, South Carolina.
- "Ethical Dilemmas When Wards Improve," National Guardianship Association, 2009 Colloquium on Guardianship, April 25, 2009, Charlotte, NC.
- "Tweaking The Elder Law Practice to Achieve the Highest Professional Standards," 13th Annual Elder Law Symposium, N.C. Bar Foundation, February 27, 2009, Cary, N.C.
- "Preventing Exploitation Perpetrated Using Powers of Attorney," 13th Annual Elder Law Symposium, N.C. Bar Foundation, February 27, 2009, Cary, N.C.
- "Guardianship Training for Appointed Counsel," N.C. Institute of Gov't., Chapel Hill, N.C., February 1, 2008.
- "Developing Law School Elder Law Clinics," Canadian Conference on Elder Law, November 2007, Vancouver, Canada.
- "Durable Powers of Attorney: Tool for Empowerment or Exploitation?" National Aging and Law Conference (conference sponsored by ABA Commission on Law and Aging, National Senior Citizens Law Center, and National Academy of Elder Law Attorneys). Oct. 2007, Washington, D.C.
- "The Right of Tenants in Assisted Living Facilities," the University of Connecticut School of Law, 14th Gallivan Conference, "When We're 64: How Should Property Law Respond to Living Arrangements for the Golden Years?" February 2007.
- "Guardianships and The Alternatives," Mediation Inc. and Carolina Dispute Settlement Services, Training for Clerks' Mediation; Durham, Feb. 10, 2006.
- "Guardianship Mediation," Annual CLE, NCBA Elder Law Section, Cary, Feb. 24, 2006.
- "Guardianship Mediation," Annual CLE, Dispute Resolution Section, Cary, May 11, 2006.
- "Elder Law Ethics" for "Basics of Elder Law," N.C. Bar Association, Cary, N.C., October 2005.
- "Long Term Care Insurance: What Your Clients Don't Know But Need To," Wake Forest University CLE, Raleigh, N.C., Sept. 2005.
- "Guardians and Wards," N.C. Bar Association 2004 Estate Planning and Probate Law Survey Course; Southern Pines, N.C., Sept. 2004.

- "Nursing Home Contracts: Traps for the Unwary," Wake Forest University School of Law CLE; Raleigh, N.C., Sept. 2002.
- "New Developments in the Law," N.C. Bar Association, Sixth Annual Elder Law Symposium, Cary, N.C. Feb. 2002.
- "Elder Law Developments Outside of the USA," Annual Symposium of the National Academy of Elder Law Attorneys (NAELA), Vancouver, Canada; April 2001.
- "Guardianship Developments Outside the U.S.," International Conference on Courts and the Aging in the New Millennium; sponsors: National College of Probate Judges, ABA Judicial Division, NAELA, National Guardianship Association; London, England; July 2000.
- "Marginal Capacity Issues and Legal Representation of Elderly Clients," American Bar Association, Annual Meeting, Atlanta, GA; Aug. 1999.
- "Elder Law Issues," ABA Connection Teleconference CLE, sponsored by ABA Sections of Family Law; Real Property, Probate and Trust Law; and General Practice, Solo and Small Firms. (890 participants), Aug. 1999.
- "Advance Directives, Powers of Attorney, and Other Issues," Wake Forest University CLE program, "Representing the Elderly," Raleigh, N.C., Aug. 1996.
- "Ethical Considerations in Representing the Elderly," Wake Forest University Law School CLE program, "Representing the Elderly and The Incapacitated Child"; Raleigh, N.C.; 1994.

## **PRESENTATIONS OTHER THAN C.L.E.**

- "Legal Responses to Elder Abuse and Financial Scams," Sticht Center Community Advisory Board, WF Baptist Medical Center, Apr. 26, 2016.
- "Advance Care Planning," 11<sup>th</sup> Annual Geriatric Symposium; Northwest AHEC, WFU Family Practice, WFU Internal Medicine; Winston Salem, Apr. 22, 2016.
- "Guardianship and Elder Exploitation: Recent Developments," NC Guardianship Association, Winston Salem, Jan. 22, 2016.
- "Programs and Services of the WFU Elder Law Clinic," Forsyth County Aging Services Planning Committee, Jan. 15, 2016.
- "Successful Aging and the Law," Home Moravian Church, Winston-Salem, Jan. 13, 2016.
- "Training in Elder Law," Twin City Kiwanis Club, Winston Salem, Dec. 9, 2015.
- "Ethical Issues in Guardianship," UNC Center for Bioethics, Clinical Ethics Grand Rounds, Chapel Hill, Nov. 5, 2015.
- "NeuroLaw: A Primer for Psychiatrists," with Stephen Kramer, M.D.; N.C. Psychiatric Association Annual Meeting; Winston-Salem, Oct. 2, 2015.
- "Healthy LGBTQ Aging: Strategies for Success," Parkway United Church of Christ, Co-sponsors: Shepherd's Center, PUCC, and Adam Foundation. Sept. 23, 2015.
- "A Caring Response to LGBT Clients," with the Long-Term Care Ombudsman of the PTRC Area Agency on Aging. Aug. 4, 2015.

- WFU Baptist Medical Center “Exploring Ethics” series:
  - "Urban Myths -- Legal Legends about End-of-Life Care You Thought were True." Organizer and moderator; April 18, 2013.
  - “The Closet Door is Open: How Are You Caring for LGBT Patients and Families?” Feb. 2015.
  - “Grappling with Guardianship: Ethical Dilemmas.” May 2015.
- “Competency and Decision-Making Capacity,” WFU Baptist Medical Center, Geriatric Medicine – Hospital Medicine Conference, Dec. 2014.
- “Issues and Strategies in Elder Law Teaching” (panel) and “Legislative Responses to Elder Abuse,” (moderator), Southeastern Association of Law Schools, Hilton Head, SC, July 2011.
- “Adapting MLP to Meet the Needs of the Geriatrics Patients,” Annual conference of National Center for Medical-Legal Partnership, Baltimore, MD, March 24, 2011.
- “The Role of Medical-Legal Partnerships (MLP) in Serving the Elderly,” National Aging and Law Conference, sponsored by ABA, AARP, NAELA, and other organizations. December 11, 2010, Alexandria, VA.
- “Guardianship Mediation,” North Carolina Guardianship Association Annual Meeting, Asheville, NC, May 19, 2010.
- First Expert Group Meeting on the Rights of Older Persons; United Nations, Division for Social Policy and Development; May 4-8, 2009; Bonn, Germany, (available at <http://www.un.org/esa/socdev/ageing/documents/egm/bonn09/report.pdf> ).
- "Legal Preparation for Your Golden Years," Wake Forest University Professional Development Center, February 30, 2009.
- "[Grays' Autonomy: How International Law Advances the Rights of Older Adults.](#)" Moderator and program planner, AALS Annual Mtg., Program of Sections on Aging and the Law, and International Human Rights. New York City, January 2008.
- "[Mediation and the Elderly](#)," 2007 Annual Meeting of the Asso. of American Law Schools (AALS), Program of Section on Aging and the Law. (Washington, DC).
- "Street Smarts for Seniors - Financial and Consumer Issues." North Carolina Conference on Aging; Sept. 2007, Winston-Salem, N.C.
- "Advance Directives and End-of-Life Issues of the Elderly," University of Florence, School of Medicine; June 2006, Florence, Italy.
- “Ethics and the Aging: Gerontology and Social Equality,” Symposium on Medical Ethics, Wake Forest University, April 2, 2006.
- "Grappling With the Gray Zone: Creative Legal Tools for Partial Incapacity," XXIXth International Congress on Law and Mental Health; Paris, France, July 2005.
- "Reducing Unnecessary Guardianships," N.C. Guardianship Association's 9th Annual Meeting; Atlantic Beach, N.C., April 2005.
- "Interviewing Older Clients," Annual Meeting of the American Association of Law Schools, joint session of the Aging and Law Section and Clinical Law Section, San Francisco, CA, January 2005.

- "Diminished Mental Capacity: An Overview of Legal and Medical Standards," Charlotte Estate Planning Council; Charlotte, N.C., November 2004.
- "Elder Law Certification Exam: Strategies for a Successful Exam," Certification Review Course of the National Elder Law Foundation, Colorado Springs, CO, Nov. 2004.
- "Legal Issues in Palliative Care," Program sponsored by UNC School of Medicine, Duke Institute on Care at the End of Life, the Carolinas Center for Hospice and End of Life Care, Lower Cape Fear Hospice, UNC-Wilmington, and the Coastal AHEC; Wilmington, N.C., March 2003.
- "Care Management and Guardianship: Effective Partnership or Conflicted Relationship?" (panel) 5th International Care/Case Management Conference; American Society on Aging; Vancouver, Canada; June 2001.
- "Adapting Medical-Legal Partnerships to Meet the Needs of the Geriatric Population," Annual Summit of the [National Center for Medical-Legal Partnership](#); Baltimore, Maryland, March 25, 2011.
- "Legal Issues of the Elderly," Geriatric Mental Health for Long Term Care Professionals; sponsored by UNC-CH School of Social Work, April 2000.
- "Getting Good Care: Legal Tools and Trends" – Alzheimer's Disease Research Center Conference, Duke University Med. Center, Durham, NC, Feb. 2000.
- "The New Rules on DNR Orders," Hospice of Winston-Salem/Forsyth County; August 1998.
- "Bioethics and the Law," WFU School of Medicine, Residency Curriculum on Ethics, March 1998.
- Planning Committee Member and Speaker, ABA's Fifth Annual Leadership Conference, Atlanta, GA., Nov. 1996. (Conference for state and local bar leaders on improving the delivery of legal services to moderate income people.)
- Speaker, Association of American Law Schools, Annual Meeting, "Teaching Elder Law in a Clinical Setting," Joint Program on Aging and the Law and Donative Transfers, Fiduciaries & Estate Planning; San Francisco, Jan. 1995.
- Speaker, Association of American Law Schools, 1993 Annual Meeting. "Legal Aspects of Long-Term Care in the Classroom and the Clinic."
- "Meeting the Special Needs of the Elderly." Speaker, 1992 Forsyth County Bar Association/Forsyth-Stokes-Davie Medical Society Annual Meeting.

## **PUBLICATIONS**

- Shah A, Mewhinney K, Callahan KE. "Advance Care Planning." Web-GEM (Geriatric Education Module). POGOe - Portal of Geriatric Online Education, anticipated 2016. Available from: <https://pogoe.org/webgem>. This is part of the only national geriatrics curriculum for medical students and other health professionals.
- "The Protected Consumer Credit Freeze: A New Tool to Prevent and Stop Financial Exploitation of Incapacitated Adults." Newsletters of the NCBA Elder Law and Special Needs Section (Sept. 2016) and Estate Planning and Fiduciary Law Section (Oct. 2016).

- Book chapter, "State-of-the Art Problem-Solving: Mediation of Guardianship Disputes," [Comparative Perspectives on Adult Guardianship](#), Kimberley Dayton, ed. (Carolina Academic Press) 2014.
- Book chapter, "Geriatric Care: Elder Law in the Health Care Setting," with Eric J. Hardt, M.D., in *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*. Elizabeth Tobin Tyler, ed. (2011) Carolina Academic Press.
- "The Human Touch: The Clinical Teaching of Elder Law," Vol. 40, No. 1, *Stetson L. Rev.*, Fall 2010.
- Book review of Theories on Law and Ageing: The Jurisprudence of Elder Law (Springer 2009, edited by Israel Doron), in *NAELA Journal*, Vol. 6, No. 1 (Spring 2010).
- "[May I Introduce You to Your Lawyer: How We Built the Legal Resources We Will Need.](#)" *Experience* magazine (ABA Senior Lawyers Division), Fall 2009. Vol. 19, No. 3.
- "[Board Certification in Elder Law -- Coming Soon To Your State Bar.](#)" "The Specialist" of the North Carolina State Bar, Sept. 2008, Vol. 7, No. 2.
- "[The Rights of Older Persons: Collection of International Documents](#)," Editors: Israel Doron and Kate Mewhinney (2007); publisher International Federation on Ageing and JDC-ESHEL.
- "[North Carolina Tries Mediation for Estate and Guardianship Disputes.](#)" *Bifocal* (newsletter of the ABA Commission on Law and Aging), Feb. 2007, Vol. 28, No. 3
- "[Ideals and High Heels: A Look at Wake Forest University's Elder Law Clinic.](#)" *The North Carolina State Bar Journal*, Vol. 11, No. 3, Fall 2006.
- Publications in "Elder Law" newsletter of the N.C. Bar Association Elder Law Section:
  - "The Mediator: Coming Soon to a Guardianship Case Near You?" March 2005; reprinted in "The Intermediary," newsletter of N.C. Dispute Resolution Commission, Aug. 2005;
  - "Three Simple Steps Lawyers Can Take to Protect a Home: Medicaid and the 'Intent to Return Home' Rule," Vol. 24, No. 3, March 2003, with John T. Griffin, reprinted in newsletters of NCBA Real Property Section (June 2003) and Estate Planning Section (Nov. 2003).
  - "Elder Law Becoming Popular Specialization for Recent Grads," Vol. 6, No. 3, June 2002, p. 1;
  - "Medicaid Myths," Vol. 6, No. 2, March 2002, p. 3;
  - "Prosecuting and Preventing Financial Abuse Under Powers of Attorney," Vol. 6, No. 1, Jan. 2002, p. 5, with Alex MacClenahan;
- "Gifts with Powers of Attorney -- Are We Giving the Public What it Wants?" *35 Wake Forest Jurist Magazine* (Summer 2005) 14-17. Reprinted in *The North Carolina State Bar Journal*, Vol. X, No. 4, Winter 2005.
- "Is There a Lawyer in the House? Wake Forest's Medical/Legal Collaboration," *Claude D. Pepper Older Americans Independence Center Report*, Winter 2002, Vol. 3, Issue 1.

- Guest Editor of NAELA Quarterly (The Journal of the National Academy of Elder Law Attorneys), special issue on elder law developments in other countries, Vol. 13, No. 4, Fall 2000.
- "Variables Predicting the Completion of an Advance Directive by Older Adults," C. Colenda, M.D., M.P.H.; M. Jensen, PhD; J. Foster, M.Div.; B. Kendrick, D.Min.; K. Mewhinney, J.D.; and C. Messick, M.D., M.S.. *Annals of Long-Term Care*, Vol. 6 No. 3, March 1998.
- Organizer, Elder Law Symposium, Summer 1997, *Wake Forest Law Review*, Vol. 32, No. 2.
- Book review of Advance Medical Directives by Alan J. Lieberman, J.D., M.D., in *The Elder Law Report* (monthly publication by Little Brown), Vol. VII, No. 8, March 1996.
- "A Youthful Approach to Elder Law," Experience Magazine (ABA Senior Lawyers Division), Winter 1996, Vol. 6, No. 2, pp 16-20.
- "The Deed That Bites Back: Why You Need to Know About Medicaid," N.C. Bar Asso. Real Property Section Newsletter, Vol. 15, No. 3, April 1994; reprinted in NCBA General Practice Section Newsletter, Vol 12, No. 1, Sept. 1994.
- "Legal Aspects of Geriatric Medicine" chapter for third edition of Principles of Geriatric Medicine and Gerontology, Hazzard WR, Andres R, Bierman EL, Blass JP; McGraw-Hill 1993.

## OTHER

- Aging Re-Imagined Symposium, March 17-18, 2016. Wake Forest University. Member of planning committee. [http://events.wfu.edu/event/aging\\_re-imagined\\_symposium#.vtszflk5cvs](http://events.wfu.edu/event/aging_re-imagined_symposium#.vtszflk5cvs)
- Developed new course, "Law and Aging," at law school. Spring 2013.
- Team taught in two courses: a joint program with the medical school, "Legal Methods for Medical Professionals" and the Master in Studies of Law (MSL) program. (Spring 2013 and 2014)
- Sponsored multi-disciplinary program to train health care providers how to spot elder exploitation. The training is part of a national initiative, the Elder Investment Fraud and Financial Exploitation Prevention program (EIFFE). Co-sponsors of the event included the N.C. Bar Association Elder Law Section and the Section of Geriatrics of the Wake Forest School of Medicine. March 2012.
- N.C. Lawyers Weekly:
  - "Doctors, lawyers find common ground helping elderly." 12/6/10, pg. 1.
  - "Discovery Waives Mandatory Arbitration, Court Holds," 11/11/10, pg. 1.
- Winston-Salem Journal, "Early planning, lasting protection," 12/28/10, pg. 1.
- Research faculty member, [J. Paul Sticht Center on Aging](#), Wake Forest University Baptist Medical Center, Winston-Salem, N.C. (since 2009)



- Adjunct Professor, WFU School of Medicine, Dept. of Internal Medicine, Section on Gerontology and Geriatrics.
- Program planner, Joint CLE of NCBA Law Practice Management and GP, Small Firm, and Solo Sections; Cary, Feb. 17, 2006.
- Developed and taught course, Comparative Law and Aging, Venice, Italy; summer program of Wake Forest University School of Law, July 1998, July 2004, and July 2006.
- Program planner and moderator, "International Panel on Elder Law Issues," National Academy of Elder Law Attorneys, Annual Symposium, Miami Beach, May 2003.
- Course planner, Seventh Annual Elder Law Symposium, N.C. Bar Association, Cary, N.C., Feb. 2003.
- Program planner and moderator, Elder Rights Committee, ABA Section on Individual Rights and Responsibilities, ABA Annual Meeting, "Eccentric, Independent, or Incompetent? Litigating Mental Capacity Cases: Views of a Litigator, a Judge, and a Psychiatrist." Chicago, IL, August 2001.
- Significant litigation: Author of *Amicus Curiae* brief for the National Academy of Elder Law Attorneys, filed with N.C. Supreme Court in 1996, in First Healthcare Corporation et al v. Nell H. Rettinger et al. Reported at 467 SE2d 243.

**LANGUAGES:** Advanced French and intermediate Italian.